



CITY OF ALAMEDA • CALIFORNIA

SPECIAL MEETING OF THE CITY COUNCIL
TUESDAY - - - MARCH 3, 2009 - - - 6:00 P.M.

Time: Tuesday, March 3, 2009 6:00 p.m.

Place: **City Council Chambers Conference Room**, City Hall, corner
of Santa Clara Avenue and Oak Street.

Agenda:

1. Roll Call - City Council

2. Public Comment on Agenda Items Only

Anyone wishing to address the Council on agenda items only,
may speak for a maximum of 3 minutes per item

3. Adjournment to Closed Session to consider:

3-A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (54956.9)

Name of case: Alameda Gateway Ltd. v. City of Alameda

3-B. CONFERENCE WITH LABOR NEGOTIATORS

Agency negotiators: Craig Jory and Human Resources
Director

Employee organizations: Alameda Police Officers Association
(APOA)

3-C. CONFERENCE WITH LABOR NEGOTIATOR (54957.6)

Agency Negotiator: City Attorney

Name: City Manager

4. Announcement of Action Taken in Closed Session, if any

5. Adjournment - City Council


Beverly Johnson, Mayor



CITY OF ALAMEDA • CALIFORNIA

IF YOU WISH TO ADDRESS THE COUNCIL:

1. Please file a speaker's slip with the Deputy City Clerk and upon recognition by the Mayor, approach the podium and state your name; speakers are limited to three (3) minutes per item.
2. Lengthy testimony should be submitted in writing and only a summary of pertinent points presented verbally.
3. Applause and demonstration are prohibited during Council meetings.

AGENDA - - - - - REGULAR MEETING OF THE CITY COUNCIL
TUESDAY - - - - - MARCH 3, 2009 - - - - 7:30 P.M.

[Note: Regular Council Meeting convenes at 7:30 pm, **City Hall, Council Chambers, corner of Santa Clara Ave and Oak St**]

The Order of Business for City Council Meeting is as follows:

1. Roll Call
2. Agenda Changes
3. Proclamations, Special Orders of the Day and Announcements
4. Consent Calendar
5. City Manager Communications
6. Agenda Items
7. Oral Communications, Non-Agenda (Public Comment)
8. Council Referrals
9. Communications (Communications from Council)
10. Adjournment

Public Participation

Anyone wishing to address the Council on agenda items or business introduced by Councilmembers may speak for a maximum of 3 minutes per agenda item when the subject is before Council. Please file a speaker's slip with the Deputy City Clerk if you wish to address the City Council

SPECIAL MEETING OF THE CITY COUNCIL 6:00 P.M.

CITY COUNCIL CHAMBERS CONFERENCE ROOM

Separate Agenda (Closed Session)

SPECIAL MEETING OF THE COMMUNITY IMPROVEMENT 7:31 P.M.

COMMISSION, CITY COUNCIL CHAMBERS

Separate Agenda

PLEDGE OF ALLEGIANCE

1. ROLL CALL - City Council

2. AGENDA CHANGES

3. PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

3-A. Proclamation declaring March 2009 as Polio Awareness Month.

4. CONSENT CALENDAR

Consent Calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from the Council or a member of the public

4-A. Minutes of the Special City Council Meeting held on February 7, 2009, the Special and Regular City Council Meetings held on February 17, 2009, and the Special City Council Meeting held on February 24, 2009. (City Clerk)

4-B. Bills for ratification. (Finance)

4-C. Recommendation to accept the Quarterly Sales Tax Report for the period ending September 30, 2008. (Finance)

4-D. Recommendation to authorize the City Manager to execute Agreements with the Water Emergency Transportation Authority and Harbor Bay Maritime for the Operation of the MV Pisces. (Public Works)

4-E. Final Passage of Ordinance Amending the Alameda Municipal Code by Adding Article XX to Chapter XIII (Building and Housing) and Amending Subsection 30-7.12 (Reduction in Parking Requirements for Existing Facilities) of Section 30-7 (Off-Street Parking and Loading Space Regulations) of Chapter XXX (Development Regulations), By Adding Subsection 30-7.12(c) to Allow for Reduction in Parking Requirements for Seismic Retrofit. (Planning and Building)

5. CITY MANAGER COMMUNICATIONS (Communications from City Manager)

6. REGULAR AGENDA ITEMS

6-A. Public Hearing to consider an appeal of the Historical Advisory Board's denial of a request to remove 2413 Buena Vista Avenue from the Alameda Historical Building Study List and denial of a Certificate of Approval to allow demolition of the structure; and adoption of related resolution. (Planning and Building) **[Continued from February 17, 2009]**

- 6-B. Public Hearing to consider an Appeal of the Historical Advisory Board's decision to conditionally approve a Certificate of Approval to alter more than thirty percent of the value of a historically significant residential building located at 1150 Bay Street for the purpose of remodeling a previous addition and adding a front porch. The site is located within an R-1, One Family Residential Zoning District; and adoption of related resolution. (Planning and Building)
- 6-C. Adoption of Resolution Revising the Memorandum of Understanding Between the Alameda Police Officers Association and the City of Alameda for the Period Commencing January 6, 2008 and Ending January 2, 2010. (Human Resources)
- 6-D. Introduction of Ordinance Amending Alameda Municipal Code Subsection 30-4.1 (R-1, One-Family Residence Districts) of Section 30.4 (District Uses and Regulations) of Article I (Zoning Districts and Regulations) Chapter XXX (Development Regulations) By Deleting Subsection 30-4.1 in Its Entirety and Replacing with a New Subsection 30-4.1 to Allow Ministerial Approval of Secondary Units on Sites Having a Single-family Dwelling and Meeting Specific Standards. (Planning and Building)
- 6-E. Introduction of Ordinance Amending Various Sections of the Alameda Municipal Code Contained in Chapter II Article I Pertaining to City Council Meetings, Chapter II Article II Pertaining to the Historical Advisory Board, and Amending Ordinance No. 1082 As Amended by Ordinance No. 2497 Pertaining to an Existing Pension Fund. (City Attorney)
7. ORAL COMMUNICATIONS, NON-AGENDA (Public Comment)
- Any person may address the Council in regard to any matter over which the Council has jurisdiction or of which it may take cognizance, that is not on the agenda
8. COUNCIL REFERRALS
- Matters placed on the agenda by a Councilmember may be acted upon or scheduled as a future agenda item
9. COUNCIL COMMUNICATIONS (Communications from Council)
- Councilmembers can address any matter, including reporting on any Conferences or meetings attended
- 9-A. Consideration of Mayor's nomination for appointment to the Social Service Human Relations Board.
10. ADJOURNMENT - City Council

- Materials related to an item on the agenda are available for public inspection in the City Clerk's Office, City Hall, Room 380, during normal business hours
- Sign language interpreters will be available on request. Please contact the City Clerk at 747-4800 or TDD number 522-7538 at least 72 hours prior to the Meeting to request an interpreter
- Equipment for the hearing impaired is available for public use. For assistance, please contact the City Clerk at 747-4800 or TDD number 522-7538 either prior to, or at, the Council Meeting
- Accessible seating for persons with disabilities, including those using wheelchairs, is available
- Minutes of the meeting available in enlarged print
- Audio Tapes of the meeting are available upon request
- Please contact the City Clerk at 747-4800 or TDD number 522-7538 at least 48 hours prior to the meeting to request agenda materials in an alternative format, or any other reasonable accommodation that may be necessary to participate in and enjoy the benefits of the meeting



CITY OF ALAMEDA • CALIFORNIA

SPECIAL MEETING OF THE COMMUNITY IMPROVEMENT COMMISSION (CIC)
TUESDAY - - - MARCH 3, 2009 - - - 7:31 P.M.

Location: **City Council Chambers**, City Hall, corner of Santa Clara Avenue and Oak Street.

Public Participation

Anyone wishing to address the Commission on agenda items or business introduced by the Commission may speak for a maximum of 3 minutes per agenda item when the subject is before the Commission.

Please file a speaker's slip with the Deputy City Clerk if you wish to speak.

1. ROLL CALL - CIC

2. CONSENT CALENDAR

2-A. Minutes of the Special Joint Alameda Reuse and Redevelopment Authority and CIC Meeting held on February 3, 2009. (City Clerk)

2-B. Adoption of Resolution Referring the Proposed Ninth Amendment to the Community Improvement Plan for the Business and Waterfront Community Improvement Project and the Proposed Seventh Amendment to the Community Improvement Plan for the West End Community Improvement Project to the Planning Board for Report and Recommendation and to the Economic Development Commission for Review and Consideration. (Development Services)

3. AGENDA ITEM

3-A. Update on the Alameda Landing Project and presentation by Catellus. (Development Services)

4. ADJOURNMENT - CIC


Beverly Johnson
Chair

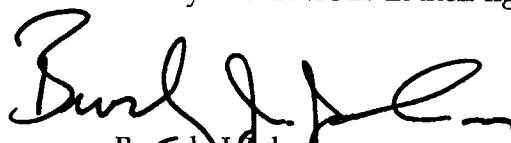
Proclamation

- WHEREAS,** infantile paralysis (polio) once terrified parents across the United States and the world and resulted in 350,000 cases each year causing death and paralysis; and
- WHEREAS,** thanks to the Sabin and Salk vaccines, the disease was eliminated in the United States in 1979; and
- WHEREAS,** the Americas were declared polio free by the World Health Organization in 1994 and Europe followed in 2002; and
- WHEREAS,** Rotary International has raised more than \$730 million since 1985 to work with the World Health Organization, UNICEF, and the U.S. Centers for Disease Control in massive immunization campaigns in countries around the world; and
- WHEREAS,** the Alameda Rotary Club has actively participated in raising funds for polio eradication since 1985, and has sent members to two national immunization days in the African nation of Ghana; and
- WHEREAS,** polio is now endemic in just four nations: Afghanistan, India, Nigeria, and Pakistan; and
- WHEREAS,** international travel and porous national borders mean no child is safe in the world while polio exists anywhere; and
- WHEREAS,** the Bill and Melinda Gates Foundation has made a \$255 million challenge grant to Rotary International to continue its fundraising efforts to wipe out polio once and for all; and
- WHEREAS,** the Alameda Rotary Club is participating in fundraising for this critical health initiative and has declared March 2009 as Polio Awareness Month.

NOW, THEREFORE, BE IT RESOLVED, that I, Beverly J. Johnson, Mayor of the City of Alameda, do hereby proclaim March 2009 as

Polio Awareness Month

and urge all Alameda residents to be aware that polio is a disease without borders that requires years of rehabilitation and leads to lifetime disabilities for polio victims and their families. Alameda residents can participate by supporting the efforts of Rotary and UNICEF in their fight to wipe out this disease.


Beverly J. Johnson
Mayor

City Council
Agenda Item #3-A
03-03-09

UNAPPROVED
MINUTES OF THE SPECIAL CITY COUNCIL MEETING
SATURDAY- -FEBRUARY 7, 2009- -8:30 A.M.

Vice Mayor deHaan called the meeting to order at 9:00 a.m.

Roll Call - Present: Councilmembers deHaan, Gilmore,
Matarrese, Tam and Mayor Johnson - 5.

[Note: Mayor Johnson arrived at 9:05 a.m.]

Absent: None.

The City Manager provided a brief introduction.

Sharon Cornu, Alameda Labor Council, stated labor management relations are not following a democratic, fair bargaining process; labor organizations object to the policy that states the City is committed to using private sector resources in delivering municipal services.

(09-____) Recommendation to accept the Financial Report for the Second Fiscal Quarter - October, November and December 2008.

The City Manager gave a brief presentation to provide budget context.

The Interim Finance Director gave a presentation.

Mayor Johnson requested an explanation of the just over \$200,000 difference; stated the Council needs to understand to ensure it does not happen again.

The Interim Finance Director responded the math for revenue and expenses were off; stated the budget was done using Excel spreadsheets instead of the City's finance system; mathematical errors cannot be precluded; a retirement anticipated in the Finance Department did not occur.

Councilmember Matarrese inquired whether the amount was a math error or misprojection about someone retiring.

The Interim Finance Director responded both; stated the amount was off by \$100,000, which seems like a math error since the number is even; the projection was one person would leave.

Councilmember Matarrese stated \$217,000 might be the amount needed to keep the library open; the cause of the error has to be

identified in order to minimize the occurrence in the future.

The Interim Finance Director stated there are several ways to stop the error from occurring; human beings make errors; the financial system is being redone to prevent re-keying in the budget.

Mayor Johnson inquired whether assumptions about retirements are factored into the budget and whether said procedure is the normal way to operate.

The Interim Finance Director responded that she is addressing how to solve the math error; stated the other issue is how to plan staff reductions; planning for the next budget started really early; staffing decisions will be made well in advance.

Mayor Johnson inquired what is the normal budget development process for factoring in staffing levels.

The Interim Finance Director responded a position would have to be cut to compensate if retirement does not happen; stated departments need to have a contingency plan to prevent the same situation.

Mayor Johnson suggested funding for the position be included in the budget until the person retires to prevent departments from overspending.

The Interim Finance Director outlined how service levels would be reviewed for the next fiscal year budget.

Mayor Johnson stated it sounds like the City has a fairly archaic finance system; good work is being done to improve things; questioned what can be done to ensure that the City does not go backwards again.

The Interim Finance Director provided a brief explanation of how the budget is being changed to make it a useful management tool.

Mayor Johnson stated the Council needs to know what the issues are and needs to set priorities; the City cannot continue to be run the same way; greater emphasis on analysis is needed; the budget should be each manager's number one priority; a lot more emphasis on fiscal matters is needed; a lot of catch up is being done.

Councilmember Matarrese inquired whether 103 is the appropriate number of funds for a city of Alameda's size; stated an item for the issue bin should be whether the City would realize clarity and efficiency by consolidating accounts.

The Interim Finance Director responded some funds could be consolidated; stated the City probably should be closer to 70 funds; the City has a lot of Assessment Districts; impact fees by geography are being reviewed for Capital Improvement funds, which currently have four funds; work is harder than it needs to be in some areas; staff is working on cleaning up the FY 2009-10 budget.

Councilmember Gilmore inquired whether ancient hardware cannot run the finance software or whether the current software needs to be used differently.

The Interim Finance Director responded both; stated the software is unix based, which is a problem.

Mayor Johnson noted the problem seems to be a deferred maintenance issue.

The Interim Finance Director stated the hardware cannot run anything new; the matter would be discussed under the Internal Service Funds (ISF); staff is addressing the issue.

Councilmember Tam inquired whether one finance staff person is assigned as a liaison for each department.

The Interim Finance Director responded departments are divided amongst four staff members; outlined the assignments.

Councilmember Tam stated deferred maintenance has been passed on from prior years and continues to be pushed off; it is mutually exclusive to spend money to improve operations while cuts are being made at the same time; stated that she needs to understand how said tension is dealt with to achieve a balance.

Vice Mayor deHaan stated budgets have been cut by \$4 to \$5 million every year; there always seem to be surprises; some surprises were improper accounting of funds; there are always discoveries late in the game; that he would like to hear how the City will avoid said circumstance.

The Interim Finance Director stated having a fresh set of eyes helps; staff is going through each fund; a lot was discovered in the first quarter; that she is confident in the way program performance budgets work; issues will be smoked out once the City forces itself to budget revenue and expenses on an expenditure program basis; funds are being cleaned up to make management easier; surprises come up when funds have been earmarked in an annotation, but not included in the accounting system; the two worlds have not met; in the last six months, the Finance Department

has worked diligently to determine what funds are available; that she was 70% sure there would be no surprises when she started; today, she is 95% sure.

Vice Mayor deHaan stated revenue streams can shift; too often there have been internal surprises.

The Interim Finance Director provided an overview of the mid-year budget.

Mayor Johnson inquired how much would be budgeted for Other Public Employee Benefits (OPEB) during the current fiscal year.

The Interim Finance Director responded the matter would be addressed later in the day; staff has a recommendation; continued her presentation by providing a debt overview.

Mayor Johnson stated the Council does not believe the way the City has been balancing budgets can be sustained; the City has been using a band-aid method; real steps need to be taken towards a sustainable, balanced budget; the corporate world refers to it as adjusting the corporate structure to reflect current realities.

Vice Mayor deHaan stated debt has been restructured two times; looking at restructuring a third time is a problem.

Councilmember Gilmore stated debt is a part of how cities run; the overall question is whether the City's level of debt is appropriate.

Councilmember Tam stated refinancing was one of the tools that brought the budget into balance; each department took a hit; sacrifices have been made.

Mayor Johnson stated the refinancing was positive.

The Interim Finance Director provided an overview of the debt report; stated the City only has one outstanding general obligation bond, which is very low; the City also has tax increment, which is the way redevelopment agencies work; tax increment is not an obligation of the City.

The Development Services Director briefly commented on tax increment.

Councilmember Matarrese requested staff to discuss the \$900,000 the State took from redevelopment.

The Development Services Director stated the amount is being paid out of the reserve; if the fund did not have a reserve, funds would have to come from operating expenses, which would have impacted staffing.

Vice Mayor deHaan inquired whether the funds had been obligated, to which the Development Services Director responded in the negative.

The Interim Finance Director stated it would take 15 years to accumulate the amount of cash needed for a redevelopment project; debt is the nature of redevelopment.

Mayor Johnson stated redevelopment transforms blighted areas into positive parts of the community.

Councilmember Matarrese stated ISF touch other funds; the balance sheet has a \$5 million negative liability; inquired whether \$2.7 million needs to be made up from other funds.

The Interim Finance Director responded in the affirmative; stated alternatives would be reviewed after lunch; continued the debt presentation.

In response to Mayor Johnson's inquiry regarding Golf Course debt, the Interim Finance Director stated Certificates of Participation (COP) were used for driving range improvements.

Mayor Johnson stated a policy needs to be in place to ensure that debt does not extend to the life of the project; the driving range needs major renovations and the previous renovations have not been paid off.

The City Manager stated the issue would be added to the issue bin.

Councilmember Tam stated the COP were financed at a 4.5% interest rate; inquired whether the amount is lower now.

The Interim Finance Director responded in the negative; stated tax-exempt issues in the market today are at 9%.

Mayor Johnson stated the State's historically low bond rating has a direct impact on cities and local government; the City's bond rating has not changed, but the ability to obtain bonds is affected.

The Interim Finance Director stated the City had to respond to a series of questions from a bond-rating agency due to an outside claim that the City is going into bankruptcy.

In response to Vice Mayor deHaan's comments regarding debt, the Interim Finance Director responded debt public relations would be added to the issue bin.

Walter Schlueter, Alameda, discussed financial systems; urged internal systems be reviewed and changed.

Gretchen Lipow, Alameda, discussed the State and school budgets.

Mayor Johnson stated Council would wait to take action on the item until after the OPEB discussion.

[Note: The motion was made at the end of the meeting, see page 30.]

* * *

Mayor Johnson called a recess at 10:50 a.m. and reconvened the meeting at 11:05 a.m.

* * *

(09-___) Discussion of draft General Financial Policies and Guiding Principles; no action required.

The Interim Finance Director gave a brief presentation; stated deferred maintenance would be added to each section in response to a suggestion made by the Public Works Director; suggested comments be provided on each section starting with Section I, Guiding Principles.

Mayor Johnson stated, under Expenditures [Section I.E], there should be a requirement to report things that the City is not paying for in order to balance the budget.

The Interim Finance Director suggested language be added to the Budget section [Section II].

In response to Mayor Johnson's inquiry whether language should be added to Policy I.E.1 or under the Budget section, the Interim Finance Director stated current year expenditures is limited and does not mean full liabilities; that she would work on language that indicates the current year revenues shall fund the current year expenditures and a proportionate share of liabilities.

The Development Services Director inquired whether the policies are only about the General Fund; stated policies are not going to work for some of the other funds.

The Interim Finance Director responded some of the policies do not

work for the Housing Authority, Alameda Municipal Power (AMP) and the redevelopment agency; stated a subsection would be created to deal with said groups.

Councilmember Matarrese stated the general policies and principles need to apply to the entire City; accounting principles apply to everybody; human resource management should apply to everyone and needs a lot of work; debt management should apply to everyone; the "how to" would be specific to each; policies should address what has to be done, how it is done is fund and agency dependent; "how tos" should not be addressed too heavily.

Mayor Johnson stated clear disclosure of what, if anything, is not being paid for is needed; the City has not been making needed investments in the Finance Department; running a City on dinosaur technology is inexcusable; the Council did not know about the matter until today; questioned how the Council can prioritize without knowing about assets.

In response to Councilmember Matarrese, the Interim Finance Director stated an appendix could be added to address the "how tos" on a larger scale.

Councilmember Gilmore stated the policy that the City shall utilize one-time revenues for one-time expenditures should be throughout the document, similar to deferred maintenance; one-time revenues should not be allocated for on going maintenance or salaries; under expenditures, surplus revenues [Policy I.E.2] includes a laundry list, but does not include unfunded liabilities like OPEB.

The Interim Finance Director stated the list would also include reducing deferred maintenance liabilities; some things need to be constantly restated.

Mayor Johnson stated the City always needs to have a plan for operation and maintenance before approving new infrastructure; inquired whether said concept is included in the policies.

The Interim Finance Director responded in the affirmative; read language suggested by the Public Works Director.

The City Manager stated the issue is addressed in Policy I.G.3, but needs to be reemphasized.

Councilmember Gilmore stated certain principles that are important enough should be a general theme throughout the entire document; a couple that are so overarching and impact the way the City should be doing business have already been identified.

The Interim Finance Director stated the list includes: one-time revenues, deferred maintenance and future liabilities.

Councilmember Matarrese stated the principles should be for every operation; absolutes include: setting an OPEB figure for new employees and the debt ratio; the worst-case scenario should be selected for the benchmark.

The Interim Finance Director stated the same debt ratio might exist for the Housing Authority and AMP, but Development Services could cause a problem given the nature of redevelopment debt.

Councilmember Matarrese stated there is revenue; the same standard could apply.

Councilmember Gilmore stated, if there is an exception, staff should spell out why the policy should not apply.

Councilmember Matarrese stated the policies should be general, but strong enough; if the benefit is so great that the City has to deviate from its guiding principles, the matter can be taken to the governing body; adding loopholes would be a mess and impossible for the next group to interpret.

Vice Mayor deHaan stated sustainability should be an overriding principle; suggested a definition be included.

The Interim Finance Director stated a glossary could be added.

The AMP General Manager stated the guiding principles might need to be distilled to a higher level to apply to AMP; AMP revenues come from rates; the way revenues are collected is very different from the General Fund; AMP's bond rating is different and looks at certain ratios; reserve levels and labor costs differ; the specifics in the later part of the document do not apply; that he would take the document to the Public Utilities Board (PUB) and suggest amendments as part of its budget process.

The Housing Authority Executive Director stated the Housing Authority can seek up to 105% of budget when going out for financing.

Councilmember Tam requested that the speaker's comments [on Policy I.E.3] be addressed.

The Interim Finance Director stated financial analysis done under a program performance budget applies a methodology to determine if

the City should operate a program; the program is evaluated on the resources necessary to provide the program; within each program, the City decides whether to pay cash for equipment and whether to contract for professional services; there is a methodology and analysis process; that she tried to make the policy as macro as possible; there are stepping stones and a hierarchy of staffing resources in many cases; that she is trying to capture that opportunities should be explored; all alternatives have to be reviewed before making a decision; for example, very small rural areas still have volunteer fire departments, which would not work in an urban environment; program options have to be reviewed and personalized for each city.

Councilmember Matarrese stated the policy has some "how to" relevance; financial policies should support human resource policies; the system has value; the City's social contract is to oversee employees that are well paid and benefited; when outsourcing underbids, something is being shorted because the company makes a profit; the taxpayer will pay for the shortfall somewhere along the line; the City has recognized the matter and has a prevailing wage ordinance; the policy belongs under the "how to" section; there are obvious examples of outsourcing, including one time use of an esoteric professional service or services that staff cannot keep up with; the policy [I.E.3.] and the human resource policies should be taken out of the document; a separate discussion could be held on human resource policies.

Vice Mayor deHaan suggested the policy be amended to: "The City shall deliver service in the most cost effective and efficient manner."

Bob Sikora, Alameda, stated many people are concerned that not enough attention is being paid to biological and geophysical sustainability; suggested a policy be inserted.

Vice Mayor deHaan stated it [environmental sustainability] should be included in the definitions.

The Interim Finance Director gave an overview of Section II, Budget Development and Adoption.

Mayor Johnson inquired about the intent of Policy 3 under Balanced Budget [II.G.3]; stated fund balance spent should be identified as fund balance draws.

The Interim Finance Director stated Council has to authorize spending from the fund balance.

Mayor Johnson inquired whether money from the fund balance cannot be spent without Council approval, to which the Interim Finance Director responded only Council can authorize use of money from the fund balance.

Mayor Johnson inquired whether the policy could be specifically stated, to which the Interim Finance Director responded in the affirmative.

Red Wetherall, Alameda, stated the policies have been discussed and should already be in place; encouraged appropriate use of volunteers.

The Interim Finance Director stated Section III on Budget Administration and Financial Reporting includes a lot of "how to" items.

Councilmember Matarrese inquired whether requirements are mandated by outside agencies.

The Interim Finance Director responded the annual report and audit of certain funds are mandated.

Councilmember Matarrese suggested flagging policies which have additional requirements.

The Interim Finance Director stated interfund transfers and loans are addressed under Revenue Management [Section IV]; most language for User Fee Cost Recovery [Section V] was drafted and adopted prior to her arrival; numbers and percentages need to be updated; Policy V.H.2 addresses appeal fees, which should be revisited.

In response to Mayor Johnson's inquiry regarding the appeal fee, the City Manager stated the matter would be added to the issue bin.

Mayor Johnson stated the City has had some experience under the current situation; it is time to review the fee.

Councilmember Matarrese stated the broad policy question deals with whether or not the appeal is granted; the fee should be the current amount if the appeal is granted; an increased amount should be paid if the appeal is denied; further stated there is a process for recovering user fees; inquired whether a policy addressing each user fee is needed.

The Interim Finance Director responded that some language could be deleted; stated that she was creating a trail of what exists; continued her review; stated the ferry should be removed from the

Enterprise Fund [Section VI].

Councilmember Matarrese stated enterprise funds should be defined; there is an artificial notion that the sewer fund makes money; further stated that he would like AMP included in Section VI.

In response to the Interim Finance Director's comments regarding a chart of accounts, Councilmember Gilmore stated having a chart of all funds is a great idea; the Development Services and Planning and Building Departments' budgets should include restrictions about how revenues can be spent.

Vice Mayor deHaan inquired why the ferry should be removed from the enterprise fund.

The Interim Finance Director responded an enterprise fund should have fees that pay for the service, be self-sustaining and have assets and liabilities akin to a private sector "for profit" operation.

The Public Works Director stated many funds are used for the ferry, which does not pay for itself.

The Interim Finance Director stated the matter could be added to the issue bin; perhaps the ferry could be moved into a special revenue fund.

Mayor Johnson stated, under golf, the City needs to avoid having management spend down reserve funds to pay for operating costs; suggested language be added; further stated the definition of operating costs should include maintenance.

Councilmember Matarrese inquired whether an option could be provided to get rid of the term "enterprise fund;" stated none are really self sustaining; unless every sewer were up to date, there is an artificial expectation that it is a true enterprise; said situation was discovered with golf and telecom; the City is not in business to make a profit.

The Interim Finance Director stated the funds are enterprise under Governmental Accounting Standards Board (GASB) rules; gave a brief review of Section VII, Revenue Distribution.

Councilmember Tam stated the policy should be explicit that General Fund revenue is not earmarked; inquired whether or not funds could be dedicated for fire when the City sought revenue enhancement with Measure P.

The Interim Finance Director responded the Jarvis family of propositions require a 2/3 vote for a specific tax and 50% for a general tax; provided a brief review of Section VIII, Investments.

In response to Mayor Johnson's inquiry about whether "or designee" should be removed from Policy A, the City Manager stated the language could be tightened up.

The Interim Finance Director provided a brief review of Appropriations Limit [Section IX] and Fund Balance and Reserves [Section X].

Mayor Johnson inquired whether Equipment Replacement [Section X.B] includes computer systems, to which the Interim Finance Director responded in the negative.

Councilmember Tam inquired what computer systems fall under, to which the Interim Finance Director responded ISF.

Councilmember Matarrese stated staff should address whether there is creative way to make the whole IT system a capital asset.

The Interim Finance Director stated the matter would be added to the issue bin; reviewed Capital Improvement Management [Section XI] and Capital Financing and Debt Management [Section XII].

Councilmember Tam stated the debt ratio [XII.D.5] is 4:1; inquired whether the ratio was pulled from an existing policy.

The Interim Finance Director responded investments bankers would say 4:1 is the most conservative ratio; stated 3:1 can be a very healthy ratio; the State recommends 4:1; the ratio could be changed.

Councilmember Tam stated that she is only interested in amending the ratio if it helps the City's credit worthiness and bond rating.

Mayor Johnson inquired whether "Pay-As-You-Go" [XII.A.4] is clear enough.

The Interim Finance Director responded in the negative; stated it needs to be defined.

Mayor Johnson suggested adding factors for not favoring pay-as-you-go financing; questioned whether the policy should be not to favor pay-as-you-go.

Councilmember Gilmore stated pay-as-you-go means not incurring

debt, which sounds like a good thing.

The City Manager stated pay-as-you-go for OPEB differs from pay-as-you-go for capital improvement projects.

The Interim Finance Director stated that she would change the wording.

Councilmember Matarrese stated the document should be in plain English.

Vice Mayor deHaan inquired whether XII.D.5 should include: "the City may consider allowing a value-to-debt ratio of 3:1."

The Interim Finance Director stated the ratio might be considered in certain circumstances for a really good project.

Vice Mayor deHaan inquired whether the City has ever done so, to which the Interim Finance Director responded not to her knowledge.

Councilmember Matarrese stated if the reason not to follow the policy outweighs the benefit of following it, the matter could come to Council; there should not be wiggle room.

The Interim Finance Director stated that she would leave the sentence, but take out the 3:1 ratio; she would keep in mind said theme about exceptions when she goes through the document; reviewed Human Resources Management [Section XIII]; inquired whether the section should be deleted and addressed under personnel policies and procedures.

Mayor Johnson stated part relates to the Council's role in the budget; suggested parts that are not Council budget issues be removed.

The Interim Finance Director stated the theme in the first one [XIII.A.1] could be used and the rest of the "how tos" could be collapsed.

Mayor Johnson stated Council needs to see which positions are funded and which are not under XIII.A.3.

The Interim Finance Director stated the budget template would show that [funded positions].

Councilmember Matarrese stated financing should meet, not drive, the requirements of organizational structures and supervising.

Mayor Johnson inquired where cut items would end up; stated that she would like to leave in XIII.C.1 with additional language that the organization is efficient and effective.

Vice Mayor deHaan inquired where human resource policies are currently held.

The Human Resource Director responded the policies are in various places, such as MOUs and civil service rules, but could be put in one comprehensive document.

Mayor Johnson stated that she wants language added about funding an efficient and effective organization.

Vice Mayor deHaan suggested the item be moved to the front section.

The Interim Finance Director stated the section would be eliminated, made macro and made part of the Guiding Principles at the beginning.

The Council expressed consensus.

Mayor Johnson stated, wherever Compensation Standards [XIII.E] ends up, it should include that the City will make an effort to have information presented to the public more understandable.

The Interim Finance Director addressed Productivity and Performance Measurement, Section XIV, and Contracting for Services, Section XV; inquired whether Section XV should be kept or deleted.

Councilmember Matarrese stated the best way to have control over core day-to-day services is by having employees; projects, such as building construction and certain professional services, cannot be staffed by City employees.

Mayor Johnson stated the section seems to address "how tos" and does not need to be included.

Councilmember Matarrese stated the issue could be discussed in work programs and project budgeting.

The Interim Finance Director stated the thought about core day-to-day services being provided by employees translates into a good front-end principle.

Vice Mayor deHaan inquired where the policies were before.

The Interim Finance Director responded that she developed the

policies; stated a principle could be written to address contracting out criteria.

Councilmember Gilmore stated the suggestion makes sense; the policy could indicate that employees deliver the best services and provide guiding principles if there is an occasion to use outside contractors.

Dorothy Freeman, Alameda, discussed the City's list of projects for federal stimulus funding.

The Deputy City Manager provided an update.

* * *

Mayor Johnson called a recess at 12:40 p.m. and reconvened the meeting at 1:13 p.m.

* * *

(09-) Recommendation to accept Budget Program and Format for FY 2009-10.

The Interim Finance Director gave a brief presentation.

In response to Mayor Johnson's inquiry regarding the Fire Department's Advanced Life Support (ALS) program, the Fire Chief gave a brief overview.

Mayor Johnson inquired whether ALS is just transport, to which the Fire Chief responded in the negative.

Mayor Johnson stated breaking out transport would be really helpful.

The Interim Finance Director stated the idea could be reviewed and would be added to the issue bin.

Mayor Johnson stated the cost of running the Fire Academy should be identified.

The Fire Chief stated the academy is included under training.

The Interim Finance Director stated converting to the format is a process; there are activities within each program; the City needs to get everything under programs before breaking it down to the next level; activities could be addressed as part of the FY 2010-11 budget.

Vice Mayor deHaan inquired what is in place now, to which the

Interim Finance Director responded the current budget does not have the level of detail being proposed.

Vice Mayor deHaan inquired whether the Recreation and Parks Department currently has the same cost centers.

The Interim Finance Director responded in the affirmative; stated the cost centers remain the same in some cases; further stated the goal is to break down everything into programs to see the cost of providing the service.

Mayor Johnson stated the programs should be broken down to the correct level even if it cannot be done in a year; for example, the cost of the Fire Academy should be known; Council needs to know the cost in order to set priorities.

Councilmember Gilmore stated the categories provided [in Attachment C] would feed into the template for the upcoming budget; inquired whether costs could still be obtained even if the deeper level would not be added to the template until FY 2010-11.

The Interim Finance Director responded in the affirmative; reviewed the format.

Councilmember Gilmore inquired how cost recovery is captured for non-revenue generating departments, to which the Interim Finance Director responded the department's portion of cost allocation is shown as revenue.

Mayor Johnson inquired whether the Finance Department gets money from other departments.

The Interim Finance Director responded in the affirmative; gave a brief explanation of cost allocation.

Mayor Johnson inquired whether technology costs, including hardware, are part of cost allocation, to which the Interim Finance Director responded user departments are charged for IT.

Vice Mayor deHaan inquired whether other municipalities have similar systems in place so Alameda does not have to reinvent the wheel.

The Interim Finance Director responded the format presented is a standard program performance budget; there are a variety of budget formats; the proposed format is the way to identify service costs.

In response to Vice Mayor deHaan's inquiry, the Interim Finance

Director provided background information on program performance budgets.

Vice Mayor deHaan inquired whether funding from other entities is shown as revenue, to which the Interim Finance Director responded in the affirmative.

In response to Mayor Johnson's inquiry about how long completely building the budget would take, the Interim Finance Director reviewed the timeline.

Mayor Johnson inquired where vehicles, equipment and training would be in the budget.

The Interim Finance Director responded vehicles would be under ISF; training would be in departmental budgets; further stated training would be allocated by program.

Vice Mayor deHaan inquired how AMP does its internal financial management and whether it is done the same way.

The AMP General Manager responded the PUB is going through the same process, is looking at improving reporting and would be making some changes; stated the budgets may not be identical next year; AMP is going in the same general direction as the City.

Councilmember Matarrese stated the City and AMP seem to be going through the same process in parallel; hopefully, the process will match up; the items in the spreadsheet are the only required customization; inquired whether one effort could be used, rather than two separate efforts.

The Interim Finance Director responded financial information for the Housing Authority and AMP is not in the City's system; stated the City does payroll for both and is reimbursed, but does not handle budget revenue and expenses; staff would be hard pressed to get the City and redevelopment agency converted to the new system; the Housing Authority and AMP would have some similar pieces, but complete conversion would be impossible.

Councilmember Matarrese inquired whether services are being duplicated, to which the Interim Finance Director responded in the negative.

The AMP General Manager stated AMP has a completely different system and accounting rules; AMP can use the same format for its part of the City's budget document.

Mayor Johnson stated the AMP budget should be consistent with the City's format; the program-based format should be consistent throughout the City.

The AMP General Manager stated that he would bring up the issue with the PUB; outlined the process.

Mayor Johnson stated the public should only have to learn to read one budget format.

Vice Mayor deHaan inquired what implementing the proposed format would cost.

The Interim Finance Director stated the cost is hours of staff work; further stated setting up the system is labor intensive, but maintaining the system is easy.

Mayor Johnson stated switching to the proposed format is a good thing because it allows Council to understand how money is being spent; further stated Council should be informed if additional money is needed for implementation.

Lorree Zuppan, Alameda, stated the effort is commendable; the City should be cautious not to take programs down to too far of a level; time might end up being spent on things that have no net impact, which wastes resources.

* * *

Mayor Johnson called a recess at 1:55 p.m. and reconvened the meeting at 2:05 p.m.

* * *

(09-____) Consider various funding options for cost recovery of Internal Service Fund (ISF) deficits.

The City Manager gave brief comments.

The Interim Finance Director gave a presentation on the ISF.

Councilmember Matarrese inquired whether department budgets would have to absorb the charge back to cover the deficit, to which the Interim Finance Director responded in the affirmative.

Councilmember Matarrese inquired whether the amount is a true deficit.

The Interim Finance Director responded the negative balance is an operating deficit; the funds represent fixed charges; a sufficient

amount has not been charged back for a number of reasons; staff has done due diligence to get to true numbers; the question is what needs to be done now.

Councilmember Matarrese stated building a budget starting with the fixed costs makes sense.

Mayor Johnson inquired whether the negative amounts are due to not charging enough or departments not paying.

The Interim Finance Director responded the issue is a system issue, not departmental; funds are taken out of department budgets.

Mayor Johnson inquired whether the amount is from the current fiscal year.

The Interim Finance Director responded in the negative; stated the amount has been reached over many years; \$2.6 million is too much to absorb.

Mayor Johnson requested an explanation of the significance of having a negative in the workers' compensation fund.

The Interim Finance Director stated workers' compensation premiums and claims are being paid from other funds.

The City Attorney inquired how much of the workers' compensation deficit is a build up over time from not charging departments and how much is from choosing not to backfill from the account used to pay claims.

The Interim Finance Director responded both; stated it is not uncommon for an ISF to run negative because a claim that was estimated to cost \$250,00 might end up costing \$500,000; the additional \$250,000 should be factored in the next year and the department would have to pay an increased rate; the fund should be built up to create a reserve.

Mayor Johnson inquired whether claim payment comes from the General Fund and is reimbursed.

The Interim Finance Director responded in the negative; stated a transfer is not made between the General Fund and the ISF; the claim is paid and adds to the cumulative negative.

Mayor Johnson inquired where does the money come from.

The Interim Finance Director responded the cash comes from the

City's cash account and is negative cash.

Councilmember Gilmore stated there seems to be a structural problem; departments have not been adequately charged, which has built up the deficit over the years; a formula based on a certain percent does not work; the amount needs to be recalculated every year.

The Interim Finance Director stated the amount is personalized based on the fund users, which needs to be revisited every year.

Councilmember Gilmore stated workers' compensation has a negative balance over \$2 million; inquired where money would come from if there were a new \$1 million charge.

The Interim Finance Director responded the claim is charged to the workers' compensation ISF; stated the City has money in cash; negative funds are not netted out at the end of every year; if the negative amounts were zeroed out, the amount would be a hit against the fund responsible for the claim; if the claim were for a General Fund department, the amount would come from the General Fund; the vast majority of the departments with claims are General Fund departments.

Mayor Johnson inquired whether the amount comes from the [General Fund] reserve.

The Interim Finance Director responded the amount would [come from the General Fund reserve] if not recovered from the department.

Councilmember Gilmore inquired whether the \$2.6 million deficit is measured against the fund balance; and whether the \$8 million in cash indicated in the budget document, accounts for the \$2.6 million or if the amount still needs to be subtracted out.

The Interim Finance Director responded the latter [the amount still needs to be subtracted out].

Councilmember Matarrese stated a policy is needed that prohibits the ISF rolling deficit; ISF need to be zeroed out right now.

Councilmember Gilmore stated the unrestricted General Fund cash reserves are not truly the amount listed; the budget document should reflect the true unrestricted cash number.

Mayor Johnson inquired whether there is a break down of the \$2.046 million deficit; and whether the intent is to assign amount to departments.

The Interim Finance Director responded in the affirmative; stated staff knows how the amount accumulated over many years.

Mayor Johnson inquired whether the intent is to use the breakdown to have the departments pay back outstanding amounts.

The Interim Finance Director responded debt would not continue going forward; stated small amounts would be easy to fix; larger amounts accumulated overtime would be difficult to resolve.

The City Manager noted the IT funds would be expended this fiscal year.

Councilmember Tam stated that she is trying to match the seven categories in the ISF against the guiding principles, which has designations for major equipment replacement, public facilities, workers' compensation and OPEB; inquired whether there is an ability to transfer between the [ISF] funds; stated the balance of other [ISF] funds exceeds \$2.6 million; inquired whether the Beltline litigation was under the risk management column and each department paid a portion.

The Interim Finance Director responded only departments involved would pay.

Mayor Johnson requested that the Council be provided an answer to the question about the Beltline litigation charges.

The Interim Finance Director stated that she would look up the charges.

Councilmember Matarrese inquired whether departments that owe money to the deficit would be assessed for the amount owed, to which the Interim Finance Director responded in the affirmative.

Mayor Johnson inquired whether the General Fund balance with the [deficit] amount removed would be \$8.8 million minus \$2.6 million.

The Interim Finance Director responded it would if the amount were taken from the fund balance; stated staff is suggesting alternatives; the amount cannot be resolved in one year; \$2.6 million would be a serious cut in services and programs.

Councilmember Gilmore stated that she understands \$2.6 million cannot be made up in one year, but the budget document should reflect the \$6.6 million in true cash and should not include amounts that are needed to pay for something else.

Mayor Johnson stated debt should not be incurred without determining how to pay for it.

Councilmember Matarrese stated \$8.8 million is not a true figure; money is being spent that is not being assessed; the only two payment choices are to cut services or take the amount from the fund balance; that he would not support options to defer or borrow to pay for it [deficit].

Mayor Johnson stated a policy needs to be in place that the City cannot accumulate debt or negative fund balances that are not being paid; inquired how many years the deficit has been in place.

The Interim Finance Director responded that she does not know off the top of her head.

Mayor Johnson requested that Council receive the breakdown [amount owed] for each department.

Councilmember Matarrese stated the only course is to zero out the amount against the General Fund balance.

The Interim Finance Director stated staff suggests working within the funds to cover half of the deficit and create a repayment plan.

Vice Mayor deHaan requested that providing Council with the breakdown be added to the issue bin.

Mayor Johnson inquired whether money in current department budgets could be used to start paying the workers' compensation deficit, to which the Interim Finance Director responded in the negative.

Mayor Johnson inquired whether more debt is being incurred this year, to which the Interim Finance Director responded in the negative.

Mayor Johnson inquired whether the \$2 million [deficit in workers' compensation] was spent.

The City Attorney provided an explanation of workers' compensation charges.

Mayor Johnson noted the \$2 million debt is in addition to the money that has to be set aside in the event all claims have to be paid.

The City Manager gave a presentation on the ISF and the staff suggestion on how to resolve the deficit.

Councilmember Gilmore inquired whether the \$2.6 million deficit would be caught up in three years under the proposed plan, to which the City Manager responded in the affirmative.

Mayor Johnson stated a decision cannot be made until Council hears the OPEB options; inquired whether staff has a better handle on the numbers to ensure the departments pay their share going forward.

The Interim Finance Director responded the formula is fine going forward.

Vice Mayor deHaan inquired what is the need for \$600,000 for IT.

The Interim Finance Director responded major work needs to be done between now and June 30 because the system is becoming too risky to operate; outlined the needs; stated auditors have commented that upgrades are needed; the cost to massively overhaul the system would be over \$2 million.

Vice Mayor deHaan inquired whether any of the fund has been obligated, to which the Interim Finance Director responded in the negative.

In response to Vice Mayor deHaan's inquiry about when the City learned of the problems, the Interim Finance Director stated the analysis came recently; the new GASB rules require an IT audit.

Vice Mayor deHaan inquired why he did not see the analysis, to which the Interim Finance Director responded the analysis was in a separate memo.

Mayor Johnson inquired whether the City would be changing from the Groupwise system.

The Interim Finance Director responded that she does not know; more detail would be provided.

Vice Mayor deHaan stated the information should have been presented as part of the audit at the last meeting; inquired whether the Fiscal Sustainability Committee (FSC) has been informed.

The Interim Finance Director responded in the negative.

Mayor Johnson requested that the Groupwise issue be addressed.

Councilmember Matarrese stated \$600,000 from equipment replacement needs to be reprioritized for IT to deal with a critical problem;

rolling over debt goes to the bottom line of the General Fund; that the fund balance is \$1.1 million less should be made clear.

Councilmember Gilmore stated that she is recommending that the fund balance reflect the true amount, not that the amount be taken out of the General Fund and the ISF deficit be zeroed out; she prefers the three year repayment plan.

Mayor Johnson inquired why the IT amount is reflected if it has not been spent, to which the City Manager responded the number represents the amount projected to be spent by the end of the Fiscal Year.

Mayor Johnson requested a breakdown of the IT number.

Councilmember Gilmore stated the plan is good; the amount will be accounted for on the front page of the fund balance; departments would be charged for three years to catch up; staff would account for future costs; Council reprioritized IT funds years ago; requested that IT give a presentation breaking down how the \$600,000 would be spent and the plans going forward to modernize the City, including cost.

The Interim Finance Director suggested the information be presented as part of the Finance budget.

Mayor Johnson inquired whether the Council has ever made cuts in the amounts departments pay to the IT ISF.

Councilmember Gilmore stated IT was a separate department when Council cut the budget.

The City Manager stated that the IT ISF started a year ago.

Mayor Johnson stated that she does not recall IT being cut.

Vice Mayor deHaan stated that he could not support paying off the [ISF] deficit without knowing the history, which should be provided.

Councilmember Matarrese stated IT is the ideal situation to contract out; server farms can be maintained by companies offsite; that he wants separate direction given; the Council seems to be in consensus that the fund balance on the front page of the budget should be the true number; separate direction should be given about whether the debt should be repaid over three years or zeroed out now.

Mayor Johnson stated money should not be taken out of the fund balance; the City needs to be disciplined and live within its means; inquired whether the equipment plan would be okay under the three-year repayment plan.

The Interim Finance Director responded in the affirmative.

Mayor Johnson stated the amount going into the equipment reserve fund should be reviewed; perhaps too much money is going into said fund; that she supports the idea of the down payment and repayment during the next two years; inquired whether the down payment would be the first year and repayment would occur during the next two years.

The Interim Finance Director responded the fund transfer would occur this year and repayment would occur in three years starting July 1.

Mayor Johnson stated that she agrees that the actual fund balance should be reflected; inquired whether money is included for the East Bay Regional Communications System.

The City Manager responded the amount was not included; stated the matter would be added to the issue bin.

Mayor Johnson noted the City can withdraw before debt is incurred and might need to do so.

Councilmember Matarrese inquired whether money being repaid each year by departments would be reflected in the figure that shows the fund balance available cash, to which the Interim Finance Director responded in the affirmative.

The City Treasurer stated that he is concerned about the integrity of the equipment replacement budget, which is \$1.6 million short this year.

The Interim Finance Director stated equipment replacement appreciation is done based on present value; planning for future value can be done but has a cost.

The City Treasurer stated the FSC is using future value; that he is curious how the equipment replacement fund has ended up with a surplus; \$1.3 million of the workers' compensation deficit seems to have occurred this year; inquired how it happened; stated the City has historically low workers' compensation claims; inquired whether the year was a fluke or a trend; inquired when a more accurate workers' compensation premium would be built into the system and

what would be the percentage of payroll.

The Supervising Accountant responded two bases are used for the calculations: the actual pay out for workers' compensation claims and the department payroll.

The City Treasurer inquired how much the department payroll is bumped up.

The Interim Finance Director responded around 3 to 5%; the exact number would be provided.

The City Treasurer stated approximately \$4 million could be needed in the next fiscal year.

Mayor Johnson stated using present value [for equipment replacement] does not make sense.

The Interim Finance Director stated the model could be run using future value.

The City Treasurer stated workers' compensation costs should be assigned to the source.

In response to Vice Mayor deHaan's inquiry regarding the \$4 million, the City Treasurer reviewed how he came up with his estimate.

The City Manager concluded the discussion.

* * *

Mayor Johnson called a recess at 3:35 p.m. and reconvened the meeting at 3:50 p.m.

* * *

(09-____) Consider various financing and pre-funding options for Other Public Employee Benefit (OPEB).

The City Manager gave a brief presentation.

Mayor Johnson requested staff to provide a breakdown of the amount owed; stated the Council received a report that the range was from \$70 million to \$140 million; inquired whether there is no longer a range and the amount is \$75 million.

The Interim Finance Director responded the amount required to be funded is the net present value of the unfunded liability, which is \$75.6 million; stated the breakdown is: \$34.1 million for police,

\$34.2 million for fire, and \$7.5 million for all others.

Mayor Johnson inquired what the \$140 million represents, to which the Interim Finance Director responded the amount was from the Bartel report.

Mayor Johnson stated the \$70 million figure assumes that the federal government will enact national health care.

The Interim Finance Director stated the assumption is not factored into the \$75.6 million calculation; the amount increases to over \$200 million if the City continues to pay-as-you-go.

The City Manager and the Interim Finance Director continued the presentation.

Mayor Johnson inquired whether investing \$75 million at 4.5% would pay for the benefit; and whether borrowing said amount and paying interest would not be sufficient.

The Interim Finance Director responded in the affirmative; stated the scenario described would finance OPEB, which is not stationary and would increase and require overlaying debt.

Mayor Johnson inquired whether the \$75 million only covers current and retired employees, to which the Interim Finance Director responded new employees are not included.

The Interim Finance Director continued her presentation.

The City Manager provided an overview of the actuarial.

The Interim Finance Director continued her presentation.

Vice Mayor deHaan inquired whether reaching \$10 million would take 8 years, to which the Interim Finance Director responded in the affirmative.

Councilmember Matarrese inquired whether the plan is to finance \$25 million to pay for the 1079/1082 retirement plans, continue paying \$2.1 million for OPEB [pay-as-you-go] and set aside and invest money for 8 years until it reaches \$10 million.

The Interim Finance Director responded in the affirmative; stated the annual OPEB obligation would be absorbed until there is enough money to mitigate.

Councilmember Matarrese inquired whether the tables assume the \$10

million is compounding and nothing is taken out, to which the Interim Finance Director responded in the affirmative.

Councilmember Matarrese inquired whether a formula could be applied that would use some of the gain to pay the incremental [OPEB] increase.

The Interim Finance Director responded in the affirmative; stated the maximum amount of capital would be obtained in the first five years in spite of the difficult economic situation; if the economy recovers in five year, there might be additional options.

Mayor Johnson inquired what interest rates were used, to which the Interim Finance Director responded since the bond would be taxable, the variable coupon rate would have a range of 3.5 to 4% for the first five to six years and go to 7.2% 30 years from now; numbers would be obtained if Council is comfortable with the concept.

In response to Mayor Johnson's inquiry regarding future OPEB payments, the Interim Finance Director listed the payment amounts.

The Interim Finance Director continued her presentation.

Councilmember Matarrese stated interest earned on the savings should be calculated.

The Interim Finance Director continued her presentation.

The City Attorney gave a brief explanation of the validation action.

Vice Mayor deHaan inquired whether the idea has been presented to the City Treasurer and FSC.

The Interim Finance Director responded in the negative; stated that she talked to the City Treasurer about leveraging debt; a presentation has not been made to the FSC, but doing so would not be a problem.

Councilmember Matarrese stated the FSC is considering a debt vehicle as one options.

Mayor Johnson stated the City Treasurer had to leave, but could not comment since he had not seen the details; the matter should be discussed with the City Treasurer and he could bring it to the FSC.

In response to Mayor Johnson's request, the Interim Finance Director provided a breakdown of the annual payment structure.

Councilmember Matarrese stated that he likes the idea because it forces discipline; the City Treasurer and FSC have mentioned an obligation bond [for OPEB]; he would like an explanation if the Interim Finance Director is not comfortable with it [OPEB bond]; he would like to see the figures presented today compared side by side with an OPEB bond.

Mayor Johnson stated other options that were explored should also be addressed when the matter returns to Council.

The Interim Finance Director stated financing \$75 million could be an issue.

Councilmember Tam commended staff for coming up with the creative idea of leveraging the 1079/1082 plans; that she is not comfortable with the idea of a \$75 million bond, which is a huge debt during a difficult time; she would urge Council to direct staff to do parallel vetting: 1) going through the validation process in the court system; and 2) going through the FSC and showing the two options [1079/1082 bond versus OPEB bond].

Mayor Johnson inquired whether said direction is acceptable.

Councilmember Matarrese responded in the affirmative; stated that he would like to see whether the risk of carrying the larger debt has benefits that might be worth considering.

Councilmember Gilmore stated that she concurs with her colleagues; the financing scheme takes care of the current debt; when new employees are hired, the budget would include salary and OPEB funds upfront to keep from adding to the liability.

Mayor Johnson stated Council should be very clear that it has no intention of leaving the benefit the way it is now, which is not sustainable.

Councilmember Gilmore inquired whether \$75,000 would go into the OPEB savings account when new employees are hired, to which the Interim Finance Director responded in the affirmative.

Vice Mayor deHaan stated that he would like to see the final projections; he has reservations; there are options; encouraged the Interim Finance Director to play with the numbers.

Mayor Johnson stated the numbers need to be run out to see if there are big payments in 30 years; the upfront investment might need to be bigger; inquired whether the intent is to actually prepay when

new employees are hired.

The City Manager responded in the affirmative.

The Interim Finance Director noted a 1079/1082 bond would be a pension obligation bond (POB) and an OPEB bond is a benefit obligation bond (BOB).

Councilmember Matarrese stated the City Attorney indicated validation could take three to six months; inquired whether Council could give direction to start now.

The City Attorney stated the validation process would be started right away.

Mayor Johnson stated the direction includes comments from Vice Mayor deHaan and Councilmember Matarrese about the upfront size [bond amount] and projecting out the whole 30 years; borrowing \$75 million for OPEB would be reviewed.

Councilmember Matarrese stated \$97 million could be borrowed, which is \$75 million for OPEB and \$23 million for 1079/1082; multiple options should be reviewed: 1) a 1079/1082 bond, 2) an OPEB bond, and 3) bonds for both the OPEB and 1079/1082 plan.

Mayor Johnson stated \$75 million is based on 4.5% interest; the amount needed would be greater if the 4.5% interest rate cannot be met.

Vice Mayor deHaan stated pay-as-you-go increases 10-14% per year; the City has to react.

Council thanked the Interim Finance Director, Finance Department staff, the City Manager and Department Heads.

* * *

(09- A) Recommendation to accept the Financial Report for the Second Fiscal Quarter - October, November and December 2008.

Councilmember Tam moved approval of the staff recommendation.

Councilmember Gilmore seconded the motion, which carried by unanimous voice vote - 5.

* * *

The City Manager provided closing comments.

Adjournment

There being no further business, Mayor Johnson adjourned the Special Meeting at 5:08 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

UNAPPROVED
MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY - - - FEBRUARY 17, 2009 - - - 6:00 P.M.

Mayor Johnson convened the Special Meeting at 6:10 p.m.

ROLL CALL - Present: Councilmembers deHaan, Matarrese,, and
Mayor Johnson - 3.

Absent: Councilmembers Gilmore and Tam - 2.

The Special Meeting was adjourned to Closed Session to consider:

(09-) Public Employee Performance Evaluation; Title: City
Manager.

(09-) Conference with Legal Counsel - Anticipated Litigation;
Initiation of litigation pursuant to subdivision (c) of Section
54956.9; Number of cases: One.

(09-) Conference with Real Property Negotiators (54956.8);
Property: 1855 N. Loop Road and 1 Clubhouse Memorial Drive;
Negotiating parties: Village VI and Golf Course (Mif Albright);
Under negotiation: Price and terms.

Following the Closed Session, the Special Meeting was reconvened
and Mayor Johnson announced that regarding Employee, Council met
for periodic review of City Manager performance; no action was
taken; regarding Legal, Council gave direction to Legal Counsel
regarding a matter of anticipated litigation; and regarding
Property, the matter will be continued.

Adjournment

There being no further business, Mayor Johnson adjourned the
Special Meeting at 7:30 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown
Act.

UNAPPROVED
MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -FEBRUARY 17, 2009- -7:30 P.M.

Mayor Johnson convened the Regular Meeting at 7:39 p.m.
Councilmember Matarrese led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers deHaan, Matarrese, and
Mayor Johnson - 3.

Absent: Councilmembers Gilmore and Tam - 2.

AGENDA CHANGES

(09-____) Mayor Johnson announced that the Public Hearing to
consider an appeal [paragraph no. 09-____] would be continued to the
March 3, 2009 Council Meeting at the request of the Appellant.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(09-____) Proclamation declaring February 17, 2009, as Alameda
Chamber Day.

Mayor Johnson read and presented the proclamation to Blake Brydon,
Chamber President.

Mr. Brydon thanked the Council for the proclamation; stated the
City has been a tremendous help to the Chamber; thanked the
community for the support.

(09-____) Proclamation declaring March 1 through April 11, 2009 as
the period for the second annual "Across the Pages: an Alameda
Community Reads" Program.

Mayor Johnson read and presented the proclamation to Annemarie
Meyer, Supervising Librarian, Adult Services.

Ms. Meyer thanked the Council for the proclamation; outlined
programs available to the community; provided mystery books to
Council.

CONSENT CALENDAR

Councilmember Matarrese moved approval of the Consent Calendar.

Vice Mayor deHaan seconded the motion, which carried by unanimous
voice vote - 3. [Absent: Councilmembers Gilmore and Tam - 2] [Items

so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*09-) Minutes of the Special and Regular City Council Meetings held on February 3, 2009. Approved.

(*09-) Ratified bills in the amount of \$1,852,353.63.

(*09-) Recommendation to authorize the execution of a Lead-Based Paint Hazard Reduction Grant Agreement with Alameda County Lead Poisoning Prevention Program. Accepted.

(*09-) Resolution No. 14304, "Authorizing the City Manager to Submit an Amended Application for Measure B Paratransit Funding for Fiscal Year 2008-2009 and to Execute All Necessary Documents to Implement the Project." Adopted.

(*09-) Resolution No. 14305, "Approving Parcel Map 9757 (1531-1533 Morton Street)." Adopted.

CITY MANAGER COMMUNICATIONS

(09-) The Deputy City Manager gave an update on the State budget and federal stimulus package.

Councilmember Matarrese inquired whether the lagoon system would qualify for funding since it is part of the City's urban runoff system.

The Deputy City Manager responded that lagoon projects might qualify for loans; stated the Bay Farm Island Shoreline and Seawall Project is listed as one of the 103 Corp of Engineers eligible projects.

Vice Mayor deHaan noted the Community Development Block Grant (CDBG) funding has some shortfalls.

The Deputy City Manager stated there is always a need for CDBG funding.

Mayor Johnson inquired whether the State budget eliminated funding for local transit agencies, to which the Deputy City Manager responded in the affirmative.

Councilmember Matarrese inquired whether the Water Emergency Transit Authority (WETA) is included.

The Deputy City Manager responded that she did not know; stated WETA has a variety of funding sources.

Councilmember Matarrese requested information on whether WETA funds are in jeopardy due to the State cutting all funding for local transit agencies.

Mayor Johnson stated the [WETA] transition plan should be completed by July.

The Deputy City Manager stated the transition plan would be completed in July, but the transition would not happen until January 2010.

Vice Mayor deHaan inquired whether any environmental super funding has been identified.

The Assistant City Manager responded a special \$300 million line item did not survive; stated super funds are only for non-federal property.

Mayor Johnson thanked the Deputy City Manager for doing a good job in keeping Alameda ahead of the game.

AEGULAR AGENDA ITEMS

(*09-____) Public Hearing to consider an appeal of the Historical Advisory Board's denial of a request to remove 2413 Buena Vista Avenue from the Alameda Historical Building Study List and denial of a certificate of approval to allow demolition of the structure; and adoption of related resolution. **Continued to March 3, 2009.**

(09-____) Public Hearing to consider Introduction of an Ordinance Amending the Alameda Municipal Code by Adding Article XX to Chapter XIII (Building and Housing) and Amending Subsection 30-7.12 (Reduction in Parking Requirements for Existing Facilities) of Section 30-7 (Off-Street Parking and Loading Space Regulations) of Chapter XXX (Development Regulations), By Adding Subsection 30-7.12(c) to Allow for Reduction in Parking Requirements for Seismic Retrofit. Introduced.

The Building Official gave a Power Point presentation.

Mayor Johnson inquired whether a notification timeframe has been established.

The Building Official responded the first notifications would go

out late April or early May; stated notifications for larger buildings would be first.

Mayor Johnson inquired how the appeal process would work.

The Building Official responded the initial appeal would need to be filed with the Building Official within thirty days; stated the Appellant could appeal the Building Official's decision to the Housing and Building Code Hearing and Appeals Board within 30 days; a lot of appeals are not expected; soft story identification is an engineering issue.

Speakers: Sandi Garcia, Alameda; James D. Leach, Alameda; Rob Platt, Alameda Association of Realtors; Carl Searway; John Fox; Steve Edrington, Rental Housing Association of Northern Alameda County; Mark Irons, Alameda; Karl Beckmann, Beckmann Engineering and Construction; Dennis Cox, Alameda; Betsy Mathieson, Alameda.

Vice Mayor deHaan inquired how many soft-story buildings are under five units.

The Building Official responded that he does not have the number; stated there are more buildings under five units than large buildings.

Vice Mayor deHaan inquired whether the 2003 Code was a major update.

The Building Official responded the 2003 Code addressed existing buildings; stated the International Existing Building Code is different than the normal Code; Chapter A4 specifically addresses retrofit of soft-story buildings; work done in 1998 could meet Chapter A4 requirements.

Vice Mayor deHaan inquired whether an engineering report would be required for retrofitting prior to 2003, to which the Building Official responded an engineering report may or may not be needed.

Vice Mayor deHaan inquired whether other cities have adopted a soft-story ordinance.

The Building Official responded Berkeley adopted a similar ordinance; stated Fremont adopted a mandatory retrofit ordinance; San Francisco is in the process of establishing an ordinance; Oakland is conducting a survey; most cities are taking the matter seriously.

Vice Mayor deHaan inquired whether the proposed ordinance is similar to other cities ordinances.

The Building Official responded the proposed ordinance is similar to Berkeley's ordinance but differs from Fremont's mandatory retrofit ordinance.

Vice Mayor deHaan noted someone might want to turn a boxed in first floor into livable space.

The Building Official stated the issue is a concern..

Vice Mayor deHaan inquired how parking spaces could be retained.

The Building Official responded the Planning and Building Director would be able to allow some exceptions to parking requirements; stated loosing a space or two might work on larger property.

Vice Mayor deHaan stated some existing street parking problems are a result of units built in the 1950's and 1960's; inquired whether financial aid has been reviewed.

The Building Official responded CDBG funding has been reviewed.

Councilmember Matarrese inquired how many units are included in all of the large soft-story buildings, to which the Building Official responded 4,500 units.

Councilmember Matarrese inquired whether affordable housing funds could be used for a loan program.

The Development Services Director responded units would need to be low and very low-income units and be deed restricted.

Councilmember Matarrese stated 4,500 units represent approximately 10,000 people who could end up homeless; that he is interested in pursuing a loan program.

Mayor Johnson stated the City should not be involved in making loans; the City could work with a lender; inquired whether the implementation phase includes a priority for rental units over owner occupied units.

The Building Official responded the priority is the size of the buildings.

Mayor Johnson stated preserving parking should be emphasized;

inquired whether mandatory upgrades would be the next phase.

The Building Official responded mandatory upgrades would not be addressed for approximately two years.

Mayor Johnson inquired how other cities handled phasing the engineering reports and implementing mandatory retrofitting.

The Building Official responded Berkeley's engineering reports have been in place for approximately eighteen months; Fremont is five years ahead of Berkeley and Alameda.

Councilmember Matarrese inquired whether a reimbursement and assistance program could be applied for similar to the unreinforced masonry buildings.

The Building Official responded staff reviewed some of the fee adjustments; a bigger deduction could be offered early on as an incentive.

Mayor Johnson inquired whether anything should be done with the gas lines in the interim.

The Building Official responded the Building Code requires that a shut off valve be installed whenever work is done on a gas line; stated the fix is fairly inexpensive.

Mayor Johnson inquired whether the shut off valve requirement should be added to the proposed ordinance.

The Building Official responded that staff would look into the matter.

Vice Mayor deHaan inquired whether a shut off valve is required when property is sold, to which the Building Official responded in the affirmative.

Vice Mayor deHaan stated information needs to be available to the public.

Councilmember Matarrese moved introduction of the ordinance.

Vice Mayor deHaan seconded the motion, which carried by unanimous voice vote - 3. [Absent: Councilmembers Gilmore and Tam - 2.]

(09-___) Discussion of alternative uses for the Mif Albright Golf Course and provide direction.

The Interim Golf Manager gave a brief presentation.

Vice Mayor deHaan inquired whether the Mif Albright Course closed because the Course lacked \$20,000 [in revenue] per year to sustain operation, to which the Interim Golf Manager responded the Course lacked closer to \$50,000.

Vice Mayor deHaan inquired why reopening the Course is not one of the alternatives.

The Interim Golf Manager responded direction was to close the Course.

Mayor Johnson stated Council direction was to look at other recreation uses while the Course is closed.

Speakers: James D. Leach, Alameda; Jane Sullwold, Alameda Golf Commission; Norma Arnerich, Alameda; Mel Grant, North Loop Business Group spoke on behalf of Eva Hom, North Loop Business Group; Michael Robles Wong, Community of Harbor Bay isle; Nick Villa, Islandia Homeowners Association; Elizabeth dos Remedios, Islandia Homeowners Association; and Leslie Robey, Islandia Homeowners Association. Additional speakers: Randy Rentschler, Alameda Soccer Club; Nick Villa, Islandia Homeowners Association.

Following Mr. Leach's comments, Mayor Johnson inquired whether the fence cost \$40,000, to which the Interim Golf Manager responded the cost was \$18,000.

Mayor Johnson requested the Interim Golf Manager to provide information on the Mif Albright Course making money.

The Interim Golf Manager stated a concerted effort was made to reduce rates and have special promotions to generate more revenue; rounds increased but revenue dropped because fees were cut; the discrepancy between the cost of running the Course and revenue is approximately \$50,000.

Vice Mayor deHaan stated water was and still is a concern.

Councilmember Matarrese stated open space would require some water.

Following Ms. Sullwold's comments, Councilmember Matarrese inquired whether the Golf Commission made a recommendation.

Ms. Sullwold responded that the Golf Commission was not aware of

the staff recommendation.

Mayor Johnson stated that the Golf and Recreation Commissions should review the recommendation.

Councilmember Matarrese stated a [Golf Commission] discussion would be valuable; the twelve acres should be looked at objectively.

Ms. Sullwold stated that a study should be performed regarding the need for additional softball and soccer fields.

Mayor Johnson stated the demand for softball and soccer field is huge; another issue is the highest and best use for the property; the Poppy Ridge Course should be reviewed; a nine-hole course could be structured back into the golf complex.

Ms. Sullwold stated there have been rumors that Ton Cowan's goal for the Mif Albright Course is really a new Harbor Bay Club in exchange for the property he owns behind Peet's Coffee.

Mayor Johnson stated a lot of rumors come out of the Golf Course.

Vice Mayor deHaan stated there was some concern about play on Sunday [in the rain]; requested that the matter be reviewed.

Ms. Sullwold stated that Kemper Sports is doing everything possible to maximize revenues; Kemper Sports wants a long-term contract.

Following Ms. Arnerich's comments, Mayor Johnson stated there should be a nine-hole course; Kemper Sports should consider the matter, but options should not be limited; Monarch Bay's nine-hole course is much better.

Following Mr. Grant's comments, Vice Mayor deHaan inquired who represents the homeowners.

Michael Robles Wong responded that he is the President of the Board for the Community of Harbor Bay Isle.

Vice Mayor deHaan inquired whether Mr. Wong is speaking on behalf of the Homeowners Association or just exploring the matter.

Mr. Wong responded that he is expressing an opinion and requesting Council to explore the issue; stated no vote has been taken.

Vice Mayor deHaan stated Alameda Point has a soccer complex used by Piedmont soccer; the field can be brought back for Alameda use at

any point; revenue generation is the reason for allowing Piedmont to use the field; the Mif Albright Course has activity all day; youth sports utilize fields after school and on weekends; the Course provides an activity for seniors.

Mayor Johnson suggested that the matter be brought back at the next meeting to allow Councilmembers Gilmore and Tam to comment.

Councilmember Matarrese stated that he wants some direction to be given; playing fields are in bad shape; the Woodstock field becomes a pool because there is no drainage; the City is short on fields; the City needs to take every opportunity to get the highest and best use; Council should give direction to get input from the Recreation and Golf Commissions and Kemper Sports; stated that he wants to ensure that the contractor is not squeezing every dollar at the expense of the Course.

The Interim Golf Manager stated Kemper Sports does not have any financial interest in the Course.

Councilmember Matarrese stated Kemper Sports' interest is in getting a long term contract; rules need to be clear; the Recreation and Golf Commissions and Kemper Sports need to provide input on possible uses before the matter comes back to Council.

Mayor Johnson stated that she does not want to limit Kemper Sports to look at the Mif Albright Course as the only way to provide a nine hole course; the matter should come back at the next Council meeting; Councilmember Gilmore raised the issue and should be allowed to comment on the matter.

Vice Mayor deHaan stated that he concurs with direction given; tonight Council was to have a Closed Session regarding the price and terms of Village VI and Mif Albright Course; the matter was pulled; that he does not want to see the matter come back to Council until there has been dialogue; the Closed Session was premature.

Mayor Johnson stated that she would like to review include looking at the Village VI issue.

Vice Mayor deHaan stated that he received a phone call regarding a football field option; inquired whether a football field would be considered.

The Interim Golf Manager stated the all weather soccer field potentially could be used as a football field.

Mayor Johnson requested configurations for the Village VI and Mif Albright sites.

The City Manager summarized Council's direction: 1) obtaining additional input and recommendations from the Recreation and Golf Commissions and Kemper Sports; 2) addressing the Village VI issue; and 3) placing the matter on the next agenda for Councilmembers Gilmore and Tam to comment.

Mayor Johnson stated that she would like to review having two complete 18-hole courses or two 18-hole courses and a nine hole course.

Vice Mayor deHaan stated the community needs to be engaged in the discussion of options.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

(09-____) Follow up discussion and direction on Internal Service Funds repayment plan.

Mayor Johnson stated that the Internal Service Funds were discussed at the Saturday Budget Meeting; that she wants to have further discussion on paying back the workers' compensation short fall.

Councilmember Matarrese stated that he thought the City had a balanced budget back in June; the budget was not balanced because the General Fund and other funds contributing to the workers' compensation fund did not pay enough into the budget and showed up as a deficit in the Internal Service Funds (ISF); the deficit was pushed onto the next year; the fund balance absorbs the debt; that he does not know how much unencumbered cash the City has because the workers' compensation debt encumbers the cash.

Vice Mayor deHaan stated the solution discussed on Saturday was to pay the debt over the next three years.

Mayor Johnson stated Information Technology (IT) has needs; the City Treasurer does not support the idea of moving money out of the vehicle reserve fund; money should only be moved out of the vehicle reserve fund to go to IT; the workers' compensation deficit should start to be paid for this year.

Vice Mayor deHaan stated setting the Vehicle Reserve Fund aside was a healthy move; taking money out now is not a good now; a question was raised Saturday regarding the spending history over the last five years; retirement expenses are outstanding; discussions involved bonds against the debt; direction was given to review other options.

The City Manager stated the Other Post Employment Benefits (OPEB) financing options would be shared with the Fiscal Sustainability Committee.

Councilmember Matarrese stated the issue needs to move rapidly; a drop-dead date is needed if the Fiscal Sustainability Committee wants input; the original direction was that the OPEB issue would be addressed this year.

The City Manager stated the Interim Finance Director is working on the [bond] validation suit with the City Attorney's office.

Councilmember Matarrese stated a specific date needs to be set for discussion; direction was given in June; time is slipping away.

Mayor Johnson stated Council could address the matter at the second meeting in March.

The City Manager inquired whether Council is requesting that the matter come back for action.

Mayor Johnson stated Council is requesting that the matter come back with a final plan.

Vice Mayor deHaan stated financing during this year is a concern; the news was concerning to Council; adjustments need to be made this year.

Mayor Johnson inquired whether the \$2.1 million workers' compensation expense includes this year.

The City Manager responded \$2.1 million is a projection through June 2009.

Vice Mayor deHaan stated a report should be provided on what was accumulated this year.

The City Attorney stated the City has a \$2.1 million loss reserve fund this year for medical payments; \$961,000 has been spent, which

is different from the deficit.

Mayor Johnson inquired how costs are allocated.

The City Attorney responded departments are charged back for participating in the insurance pool; stated the amount is based on the number of employees within each department.

Mayor Johnson inquired whether each department is charged back at the end of the year.

The City Attorney responded the question is a Finance issue.

Mayor Johnson requested that the Interim Finance Director provide an explanation at the next meeting.

The City Manager stated the Interim Finance Director would also explain what is contributing to the projected deficit.

Mayor Johnson inquired whether money is set aside for medical expenses.

The City Attorney responded the \$2.1 million loss reserve fund is real money that has been set aside; stated the City processes medical payments through the fund; the workers' compensation budget for 2008-2009 was approximately \$3.1 million; the biggest piece is the loss reserve fund; the annual cost of participation in the risk pool is approximately \$600,000; medical payments and settlements run against the loss reserve fund, which is different from Labor Code 4850, another component of Police and Fire workers' compensation costs; carried by the Police and Fire Departments; the City is required by law to report the combination of Labor Code 4850 pay and all medical payments.

Mayor Johnson requested that the Interim Finance Director explain the appropriate way to handle allocating workers' compensation charges to departments.

Vice Mayor deHaan stated per capita does not seem to work; inquired whether AMP is included, to which the City Attorney responded in the affirmative.

Councilmember Matarrese requested that the Interim Finance Director provide information on the root cause of the workers' compensation deficit and proposed preventative action.

Vice Mayor deHaan stated the Planning and Building Department has

seen a reduction in fees because of the economy; the issue could be concerning for the rest of the year; that he would like staff to provide more information on the issue; the problem could be compounded by not taking care of the matter.

Mayor Johnson stated Council needs to provide clear direction on taking care of the ISF debt this year.

Vice Mayor deHaan stated he IT issue should be addressed also.

Mayor Johnson inquired whether direction was given to pay for the IT expense out of the Vehicle Replacement Fund.

Vice Mayor deHaan responded in the negative; stated the Vehicle Replacement Fund has been frozen; the IT expense would be an obligation this year; he would like to know the scope of work for the IT item; the need to update the system is a result of the audit.

Councilmember Matarrese stated the Interim Finance Director will bring back the IT proposal.

Mayor Johnson stated direction should be clear not to pay for the IT expense until further information is provided.

The City Manager stated the expenditure has not occurred; staff is projecting the expense; any plan would need to come to Council before resources are allocated; staff wanted to note that the budget did not have money for the expense this year; the proposal was to take the money from the Vehicle Replacement Fund.

Mayor Johnson inquired whether the plan is to address a way to build the IT fund.

The City Manager responded in the affirmative; stated the IT fund was implemented over the last three years.

Mayor Johnson stated the [IT] system is broken; upgrades need to be addressed; mandatory contributions should be established.

Vice Mayor deHaan inquired whether Council could reduce the amount authorized for contracts, to which the City Attorney responded Council would need to adopt an ordinance.

Councilmember deHaan stated that he would like to see more visibility for contracts over \$50,000.

Mayor Johnson stated the matter could be placed on the next Council meeting.

Vice Mayor deHaan stated that he does not want to micromanage but would like to expand the communication level.

(09-) Discussion and direction on the 90-day working capital fund balance for operating reserves in Special Revenue Funds.

Mayor Johnson stated Council needs to be clear on direction given; a financial policy should be established immediately.

The City Manager stated the Special Revenue Funds (SRF) could be brought back for discussion; there was no discussion about which funds are in compliance and which are not.

Mayor Johnson stated Council could give direction on a general policy and bring the matter back for adoption at the next Council meeting; direction should be given to maintain a 90-day working capital.

The City Manager stated the matter could be brought back to identify impacts.

Mayor Johnson stated adopting a policy now is important, not six months from now.

The City Manager stated some funds have restrictions; the issue would be brought back.

Mayor Johnson stated AMP might need to review the matter first.

Councilmember Matarrese stated information should come back to Council because AMP is part of the City; the same financial principles apply; having a specified working capital fund is universal and is a good, prudent practice regardless of the number of days.

Mayor Johnson stated that she wants AMP to have a policy.

Councilmember Matarrese stated Council needs to decide what needs to be done if less permits are coming to the Planning and Building Department and the department is overstaffed; information needs to be provided on whether the fund balance is being spent down, and, if so, for how long; numbers need to be provided.

Vice Mayor deHaan stated too often the focus is on the General Fund

only; the SRF need to be reviewed; Council needs to decide what to do when funds start disappearing.

Councilmember Matarrese stated the ISF absorbed a deficit that should have been attributed to the General Fund; the real cash deficit was buried; that he wants to ensure that there is a broad approach for the entire City budget including AMP, Housing Authority, and Enterprise Funds and that root causes are determined when there is a problem.

Vice Mayor deHaan stated more background is needed; taking \$2.1 from liquid reserves is a pretty good hit and cannot be taken lightly.

Mayor Johnson stated operational reviews are being done for public safety; consideration should be given to performing operational reviews for the entire City.

Vice Mayor deHaan inquired when the public safety review would come to Council, to which the City Manager responded the beginning of April.

Councilmember Matarrese stated the operational review is relevant to the 90-day working capital fund balance for operating reserves in SRF; that he would like to receive numbers on the affect that the economic downturn has had on the Planning and Building Department in order to fix any problems and apply standards for SRF.

The City Manager stated staff might not be able to provide information at the next Council meeting.

Councilmember Matarrese inquired whether staff knows how much money is coming in and going out; stated that he wants information on whether enough money is being brought in to cover operation and whether there is a draw down on the fund balance; that he wants the number now.

Vice Mayor deHaan stated the economy has changed drastically; whether other operational activities are having a downturn needs to be understood; the economic ramp up could take three years.

Mayor Johnson stated the City would be out of money in thirty months if everything stays status quo.

Councilmember Matarrese stated property assessments have declined and the City potentially could have less revenue next year.

Vice Mayor deHaan stated costs are going up and revenue is going down.

COUNCIL COMMUNICATIONS

(09-) Vice Mayor deHaan commended the Public Works Department on the work done during recent storms; suggested an analysis and assessment on gutter ponding throughout the City be done while it is raining.

(09-) Mayor Johnson stated the Fire Department responded to an apartment toilet leak, turned off the water and later went back to vacuum up the water; the response was not an appropriate use of public funds; requested staff to work with the ICMA representative to ensure that taxpayers' money is not being abused.

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the Regular Meeting at 10:33 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

UNAPPROVED
MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY - - - FEBRUARY 24, 2009 - - - 6:30 p.m.

Mayor Johnson convened the Special Meeting at 6:30 p.m.

ROLL CALL - Present: Councilmembers deHaan, Gilmore, Matarrese,
Tam, and Mayor Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(09-) Public Employee Performance Evaluation; Title: City
Manager.

Following the Closed Session, the Special Meeting was reconvened and Mayor Johnson announced that Council provided direction regarding evaluation procedural matters.

Adjournment

There being no further business, Mayor Johnson adjourned the Special Meeting at 10:40 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

CITY OF ALAMEDA

Memorandum

To: Honorable Mayor and
Members of the City Council

From: Ann Marie Gallant
Interim Finance Director

Date: February 26, 2009

Re: List of Warrants for Ratification

This is to certify that the claims listed on the attached check register and shown below have been approved by the proper officials and, in my opinion, represent fair and just charges against the City in accordance with their respective amounts as indicated thereon.

<u>Check Numbers</u>	<u>Amount</u>
217435 - 217757	\$1,596,853.62
EFT 649	\$21,912.45
EFT 650	\$7,993.50
EFT 651	\$345,680.00
EFT 652	\$34,743.49
EFT 653	\$1,044,550.39
EFT 654	\$367,080.08

Void Checks:

215692	(\$227.00)
217542	(\$315.00)
217644	(\$450.00)

GRAND TOTAL

\$3,417,821.53

Respectfully submitted,


Interim Finance Director

CITY OF ALAMEDA

Memorandum

To: Honorable Mayor and
Members of the City Council

From: Debra Kurita
City Manager

Date: March 3, 2009

Re: Accept the Quarterly Sales Tax Report for the Period Ending September 30, 2008

BACKGROUND

This report summarizes the sales tax transactions for the period July 1 through September 30, 2008, which is the basis for sales tax revenues received by the City between October 1 and December 31, 2008. For purposes of this report, sales tax revenues exclude Proposition 172 funds, the allocation from the statewide pool for public safety services.

DISCUSSION

Sales tax is the fourth largest source of General Fund revenue for the City of Alameda. Combined with Proposition 172 revenue, it represents 7.5% of total projected revenues for fiscal year 2008-2009.

Taxable sales transactions in the City of Alameda for the period ending September 30, 2008, decreased 4.93%, or \$70,078, from the same quarter in the prior fiscal year. The top 25 businesses represent 50.6%, or \$680,779, of the quarter's sales transactions. The top 100 businesses represent 76.3%, or \$1,026,284, of this quarter's sales transactions. A historical comparison of per capita sales tax in Alameda to state and county totals is illustrated in Attachment A. Additional attachments have been included in this report which summarize benchmark year comparisons for the current and previous eight quarters (Attachment B); a historical sales tax per capita comparison for the past 10 years (Attachment C); a sales tax capture analyses for Alameda for the 3rd calendar quarter (Attachment D); comparison of sales by municipality within Alameda County (Attachment E) and a comparison of third quarter sales within northern California (Attachment F).

Following is a comparison of the key economic categories with subcategory detail.

	SALES TRANSACTIONS	3RD QUARTER 2008, JUL, AUG, SEPT		3RD QUARTER 2007 JUL, AUG SEPT	
Percent Change	Economic Category	Actual Receipts	Percent of Total	Actual Receipts	Percent of Total
-28.0%	Transportation	\$310,468	23.1%	\$431,423	30.5%
-0.9%	Food Products	\$375,417	27.9%	\$378,682	26.7%
-2.0%	General Retail	\$273,193	20.3%	\$278,677	19.7%
1.7%	Business-to-Business	\$264,580	19.7%	\$260,231	18.4%
102.1%	Construction	\$112,202	8.3%	\$55,507	3.9%
-12.3%	Miscellaneous	\$10,086	0.7%	\$11,504	0.8%
-4.9%	Total	\$1,345,946	100.0%	\$1,416,024	100.0%

Construction gained 102.1%, or \$112,202, reflecting an increase in wholesale building materials of \$82,186. Business-to-Business gained 1.7% or \$264,580 as a result of gains in the Electronic Equipment, Chemical Products, and Leasing segments and losses in the Office Equipment and Light Industry segment.

Transportation declined 28.0%, or \$310,468, from a decrease in new and miscellaneous vehicle sales, partially offset by an increase in the service station subcategory. Declines in Miscellaneous of 12.3%, or \$10,086, reflect a decrease in the health and government subcategory.

A comparison of the geographic generation of sales tax for the second quarter of calendar year 2008, as compared to the same period in 2007, shows an overall loss of 4.93%, or \$70,078, largely due to decreased sales at Alameda Point and Park Street North of Lincoln areas. Increases were noted in the Harbor Bay Business Park area as a result of several new businesses, with smaller increases noted in the Webster North of Lincoln and Bridgeside Center areas.

SALES TRANSACTIONS		3RD QUARTER 2008 (JUL, AUG, SEPT)		3RD QUARTER 2007 (JUL, AUG, SEPT)	
Percent Change	Geographic Areas	Actual Receipts	Percent of Total	Actual Receipts	Percent of Total
-21.9%	Park – North of Lincoln	\$245,810	18.3%	\$314,887	22.2%
-1.7%	Park – South of Lincoln	\$164,122	12.2%	\$166,923	11.8%
12.6%	Webster – North of Lincoln	\$100,887	7.5%	\$89,622	6.3%
0.2%	Webster – South of Lincoln	\$29,370	2.2%	\$29,324	2.1%
9%	Bridgeside Center	\$53,117	3.9%	\$48,892	3.5%
-4.0%	Alameda Towne Centre	\$204,456	15.2%	\$213,060	15.0%
-1.8%	Marina Village Shopping Center	\$38,554	2.9%	\$39,247	2.8%
0.0%	Habor Bay Landing	\$48,763	3.6%	\$48,764	3.4%
-6.8%	Marina Village Business Park	\$107,507	8.0%	\$115,399	8.1%
28.4%	Habor Bay Business Park	\$75,996	5.6%	\$59,191	4.2%
-40.1%	Alameda Point	\$47,415	3.5%	\$79,161	5.6%
8.7%	All Other Areas	\$229,949	17.1%	\$211,554	14.9%
-4.9%	Total	\$1,345,946	100.0%	\$1,416,024	100.0%

FINANCIAL IMPACT

As of September 30, 2008, fiscal year sales tax revenues were \$2,189,412, or 43%, of the \$5.1 million projected for Fiscal Year 2008-2009. In the prior fiscal year, sales tax revenues were \$2,081,211, also 43% of the \$4.9 million projection. There is very little variation in percentage of sales tax receipts when comparing year to year fiscal quarter receipts, despite today's recessive consumer market. .

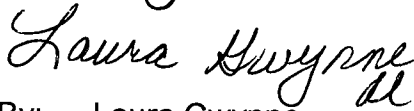
RECOMMENDATION

Accept the Quarterly Sales Tax Report for the period ending September 30, 2008.

Respectfully submitted,



Ann Marie Gallant
Interim Chief Financial Officer



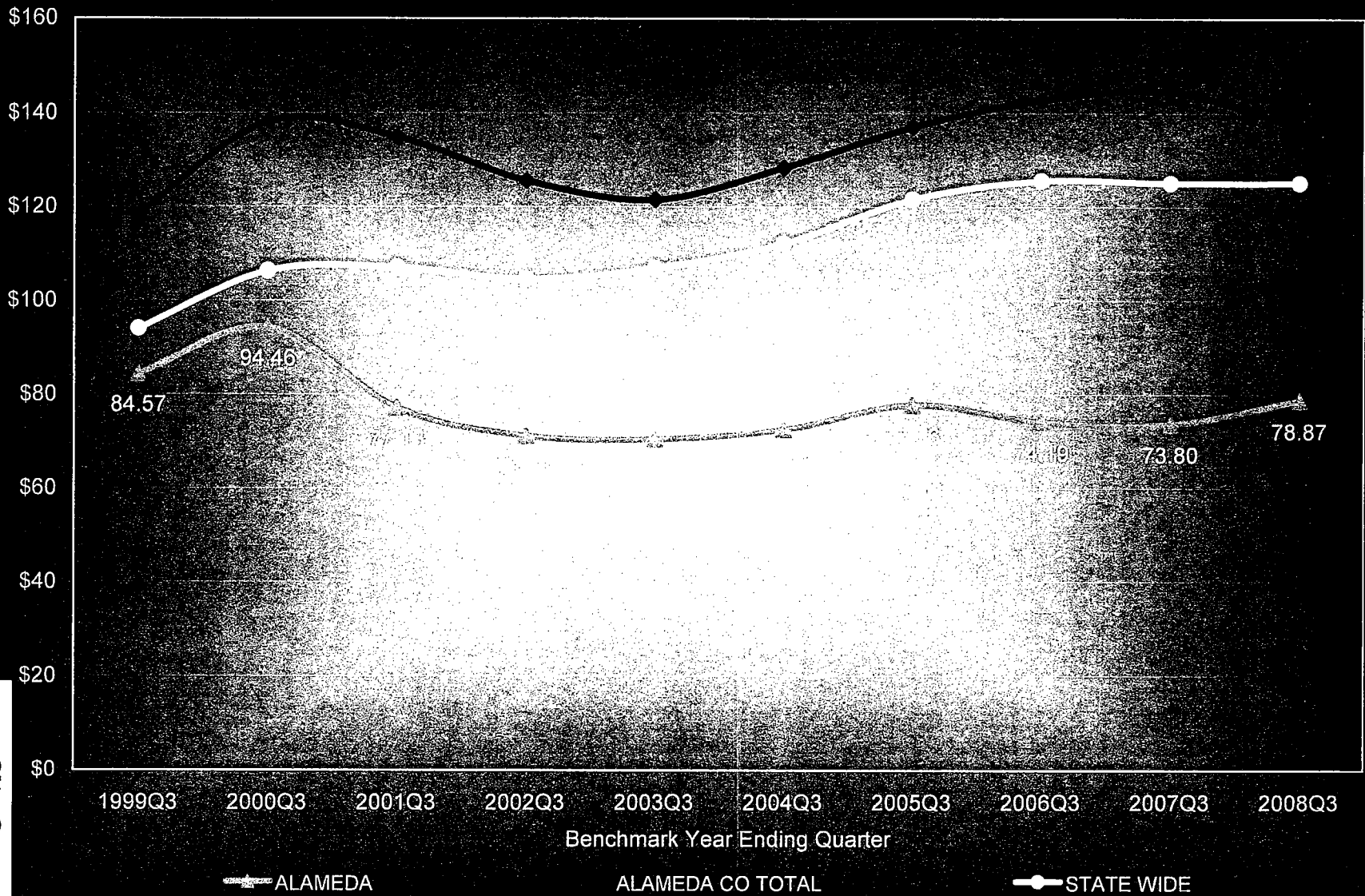
By: Laura Gwynne
Supervising Accountant

AMG/LG:dl

- Attachment A: Historical Gross Sales Tax Per Capita Comparison
- Attachment B: Historical Amounts by Benchmark Year
- Attachment C: Historical Sales Tax Per Capita by Calendar Year
- Attachment D: Alameda 3rd Quarter 2008 Sales Tax Capture & Gap Analysis
- Attachment E: Sales Tax Net Cash Receipts Analysis in Alameda County
- Attachment F: Northern California: Quarterly Comparison 2008Q3 to 2007Q3

ALAMEDA

Historical Gross Sales Tax Per Capita Comparison



	1999Q3	2000Q3	2001Q3	2002Q3	2003Q3	2004Q3	2005Q3	2006Q3	2007Q3	2008Q3
ALAMEDA	84.57	94.46	77.13	71.10	70.41	72.49	77.76	74.19	73.80	78.87
ALAMEDA CO TOTAL	118.37	138.23	134.93	125.54	121.48	128.32	137.06	142.72	144.44	137.20
STATE WIDE	94.07	106.34	107.06	104.62	106.88	112.14	121.61	125.59	125.13	125.18

CITY OF ALAMEDA

HISTORICAL AMOUNTS BY BENCHMARK YEAR

ECONOMIC CATEGORY	%	2008/3	2008/2	2008/1	2007/4	2007/3	2007/2	2007/1	2006/4	2006/3
FOOD PRODUCTS	26.6	1,557,067 <	1,560,331 H	1,518,810	1,483,604	1,432,596	1,385,025	1,371,392	1,350,905	1,318,790 L
TRANSPORTATION	24.8	1,455,088 L	1,576,042	1,631,162	1,674,811	1,668,253	1,684,708 H	1,664,940	1,603,726	1,624,812
BUSINESS TO BUSINESS	21.3	1,248,125	1,243,777	1,277,599 H	1,142,231	1,132,782	1,107,698	1,082,411	1,067,610	1,044,868 L
GENERAL RETAIL	21.3	1,247,309 <	1,252,792 H	1,203,399	1,166,749	1,141,957	1,127,316	1,129,412	1,116,539 L	1,129,188
CONSTRUCTION	5.2	303,894 H	247,198	230,077	229,033	231,001	236,077	226,071	222,180	214,615 L
MISCELLANEOUS	0.9	50,788 L	52,207	55,048	56,304	63,939	68,027	67,205	68,089 H	58,708
TOTALS	100.0	5,862,271 <	5,932,347 H	5,916,095	5,752,732	5,670,528	5,608,851	5,541,431	5,429,049	5,390,981 L

ECONOMIC SEGMENT	%	2008/3	2008/2	2008/1	2007/4	2007/3	2007/2	2007/1	2006/4	2006/3
RESTAURANTS	15.9	933,999 H	926,322	904,645	893,882	881,996	868,925	866,359	851,900	826,426 L
AUTO SALES - NEW	9.7	570,616 L	653,522	693,677	710,720	698,592	724,139 H	701,451	666,781	662,156
FOOD MARKETS	9.3	544,477 <	546,383 H	523,779	500,888	463,684	431,202	413,114	404,875	398,483 L
SERVICE STATIONS	8.9	524,326 H	497,796	488,736	485,518	472,512 L	492,294	490,753	477,362	472,785
LIGHT INDUSTRY	8.9	521,131 <	527,534 H	525,646	377,403	349,185	315,816	316,721	314,663 L	320,370
OFFICE EQUIPMENT	6.8	398,771 L	400,957	404,569	421,881	433,725 H	425,657	429,597	413,790	409,538
MISCELLANEOUS RETAIL	6.6	384,906 H	363,847	345,484	339,876	335,960 L	343,425	368,530	359,353	360,258
DRUG STORES	4.1	238,812 H	238,722	238,006	234,953	236,874	236,184	234,289	231,417	227,769 L
APPAREL STORES	3.8	221,630 H	213,469	197,822	174,344	137,771	115,589	102,459 L	103,608	120,391
MISC. VEHICLE SALES	3.7	218,723 L	283,447	303,762	329,537	346,844 H	320,843	326,376	313,494	343,346
BLDG.MATLS-WHSE	3.4	199,518 H	146,404	128,874	126,842	128,809	133,265	123,278	120,038	113,268 L
DEPARTMENT STORES	3.1	179,532 L	226,996	207,339	216,341	225,634	228,941	237,408	237,043	239,241 H
FURNITURE/APPLIANCE	2.4	140,811 H	126,141	131,910	118,296	123,435	121,113	103,236	102,820	98,916 L
AUTO PARTS/REPAIR	2.1	121,106	120,493	122,533	122,928 H	121,885	119,131	115,841	113,490	111,442 L
BLDG.MATLS-RETAIL	1.8	104,376 H	100,794 L	101,203	102,191	102,192	102,812	102,793	102,142	101,347
BUSINESS SERVICES	1.7	98,839 <	100,488	121,338 H	111,066	109,913	103,775	82,878 L	86,813	87,539
ELECTRONIC EQUIPMENT	1.6	95,331	85,146 L	98,816	104,690	95,551	117,766 H	112,693	114,587	110,219
LEASING	1.5	87,939	85,496	84,282 L	85,205	105,228	106,932 H	106,688	106,475	85,629
RECREATION PRODUCTS	1.0	59,475 <	60,928 H	59,757	59,707	59,206	58,837	59,326	58,377 L	58,400
LIQUOR STORES	0.8	49,254 <	49,314	48,943	48,493 L	49,157	49,277	49,836 H	49,721	49,701
FOOD PROCESSING EQP	0.5	29,337 L	38,312	41,443	40,341	37,759	35,621	42,083	44,409 H	44,180
HEALTH & GOVERNMENT	0.5	27,501 L	29,292	32,262	33,421	40,313	44,262	44,167	45,160 H	37,867
CHEMICAL PRODUCTS	0.4	24,238 H	21,207	20,398	19,799	18,552	17,053	14,664	13,022 L	15,081
MISCELLANEOUS OTHER	0.4	23,282	22,915	22,786	22,883	23,626	23,765 H	23,038	22,929	20,841 L
FLORIST/NURSERY	0.4	22,143 L	22,689	23,081	23,232	23,077	23,227	24,164	23,921	24,213 H
AUTO SALES - USED	0.3	20,317 L	20,784	22,454	26,108	28,420	28,301	30,519	32,599	35,083 H
HEAVY INDUSTRY	0.3	17,078 <	18,011	17,452	18,264 H	16,846	16,895	15,741	13,857	12,681 L
ENERGY SALES	0.1	4,798 <	4,938	5,098 H	3,923	3,782	3,804	3,429 L	4,403	3,811
CLOSED ACCT-ADJUSTMT	0.0	5 H	0	0	0	0	0	0	0	0
TOTALS	100.0	5,862,271 <	5,932,347 H	5,916,095	5,752,732	5,670,528	5,608,851	5,541,431	5,429,049	5,390,981 L

CITY OF ALAMEDA

BENCHMARK YEAR 2008Q3 COMPARED TO BENCHMARK YEAR 2007Q3

ECONOMIC CATEGORY ANALYSIS									
	City Of Alameda	California Statewide	S.F. Bay Area	Sacramento Valley	Central Valley	South Coast	Inland Empire	North Coast	Central Coast
General Retail % of Total / % Change	21.3 / 9.2	28.9 / -4.0	29.2 / -2.4	28.4 / -4.9	29.8 / -4.3	29.0 / -4.1	26.7 / -5.8	30.1 / -5.8	33.6 / -7.4
Food Products % of Total / % Change	26.6 / 8.7	17.5 / 0.9	17.9 / 2.6	15.8 / -1.0	16.4 / 1.6	17.8 / 0.6	15.7 / -0.5	16.6 / 2.2	26.8 / -1.3
Construction % of Total / % Change	5.2 / 31.6	9.8 / -12.8	9.4 / -8.7	12.4 / -15.2	12.6 / -16.1	8.7 / -10.9	12.4 / -23.1	15.6 / -17.2	10.4 / -16.3
Transportation % of Total / % Change	24.8 / -12.8	24.2 / -3.8	20.8 / -1.4	26.2 / -7.4	25.8 / -6.9	24.5 / -2.8	28.3 / -8.5	27.7 / -6.7	20.2 / -8.0
Business to Business % of Total / % Change	21.3 / 10.2	18.5 / -1.9	21.6 / -3.4	16.0 / -2.4	14.5 / 2.0	18.7 / -1.5	15.0 / -3.2	9.8 / 5.2	7.5 / 2.3
Miscellaneous % of Total / % Change	0.9 / -20.6	1.2 / -1.5	1.2 / 0.5	1.1 / -9.7	0.8 / -6.2	1.2 / -1.9	1.9 / 1.4	0.7 / -7.1	1.5 / 47.0
Total	100.0 / 3.4	100.0 / -3.7	100.0 / -2.2	100.0 / -6.1	100.0 / -4.9	100.0 / -3.1	100.0 / -7.9	100.0 / -5.9	100.0 / -5.8

General Retail: Apparel Stores, Department Stores, Furniture/Appliances, Drug Stores, Recreation Products, Florist/Nursery, and Misc. Retail

Food Products: Restaurants, Food Markets, Liquor Stores, and Food Processing Equipment

Construction: Building Materials Retail and Building Materials Wholesale

Transportation: Auto Parts/Repair, Auto Sales - New, Auto Sales - Used, Service Stations, and Misc. Vehicle Sales

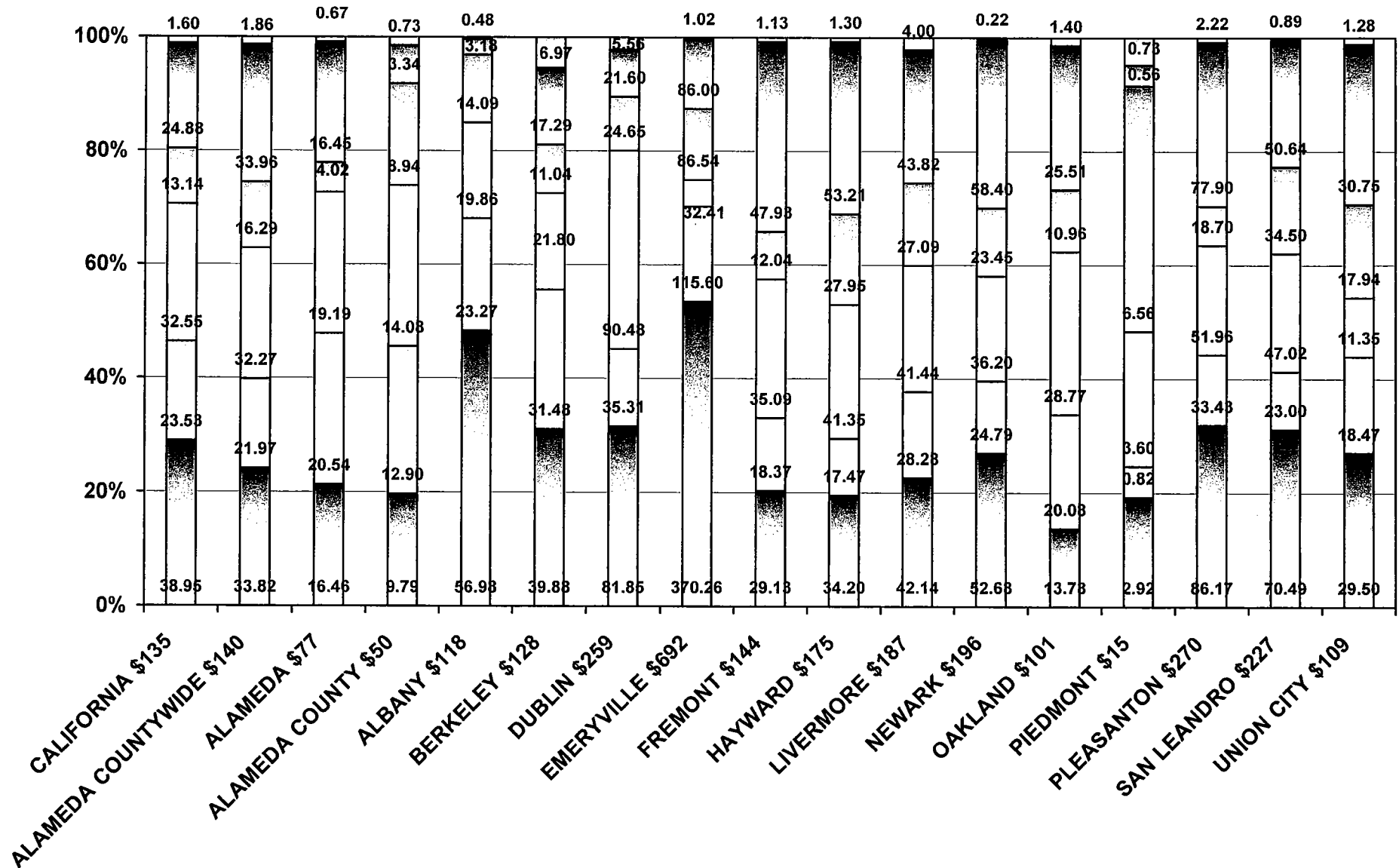
Business to Business: Office Equip., Electronic Equip., Business Services, Energy Sales, Chemical Products, Heavy Industry, Light Industry, and Leasing

Miscellaneous: Health & Government, Miscellaneous Other, and Closed Account Adjustments

ECONOMIC SEGMENTS ANALYSIS									
	City Of Alameda	California Statewide	S.F. Bay Area	Sacramento Valley	Central Valley	South Coast	Inland Empire	North Coast	Central Coast
Largest Segment	Restaurants	Restaurants	Restaurants	Department Stores	Department Stores	Restaurants	Service Stations	Department Stores	Restaurants
% of Total / % Change	15.9 / 5.9	11.9 / 0.2	12.3 / 2.2	11.5 / -2.3	14.6 / -3.6	12.6 / 0.1	12.0 / 15.9	13.9 / -5.8	18.5 / -1.4
2nd Largest Segment	Auto Sales - New	Department Stores	Department Stores	Service Stations	Service Stations	Service Stations	Department Stores	Services Stations	Miscellaneous Retail
% of Total / % Change	9.7 / -18.3	10.5 / -2.5	9.6 / -2.1	10.1 / 18.8	10.7 / 19.6	10.4 / 21.3	11.2 / -3.8	11.1 / 16.1	10.4 / -3.3
3rd Largest Segment	Food Markets	Service Stations	Service Stations	Auto Sales New	Restaurants	Department Stores	Auto Sales - New	Restaurants	Department Stores
% of Total / % Change	9.3 / 17.4	10.2 / 20.8	9.0 / 23.2	10.1 / -17.6	9.2 / -1.0	9.9 / -2.1	10.8 / -21.8	9.0 / -1.1	10.3 / -13.5

MUNICIPALITIES IN ALAMEDA COUNTY

PER CAPITA COMPARISON OF SALES TAX BENCHMARK YEAR ENDING 3RD QUARTER 2008



☐ GENERAL RETAIL
 ☐ FOOD PRODUCTS
 ☐ TRANSPORTATION
 ☐ CONSTRUCTION
 ☐ BUSINESS TO BUSINESS
 ☐ MISCELLANEOUS

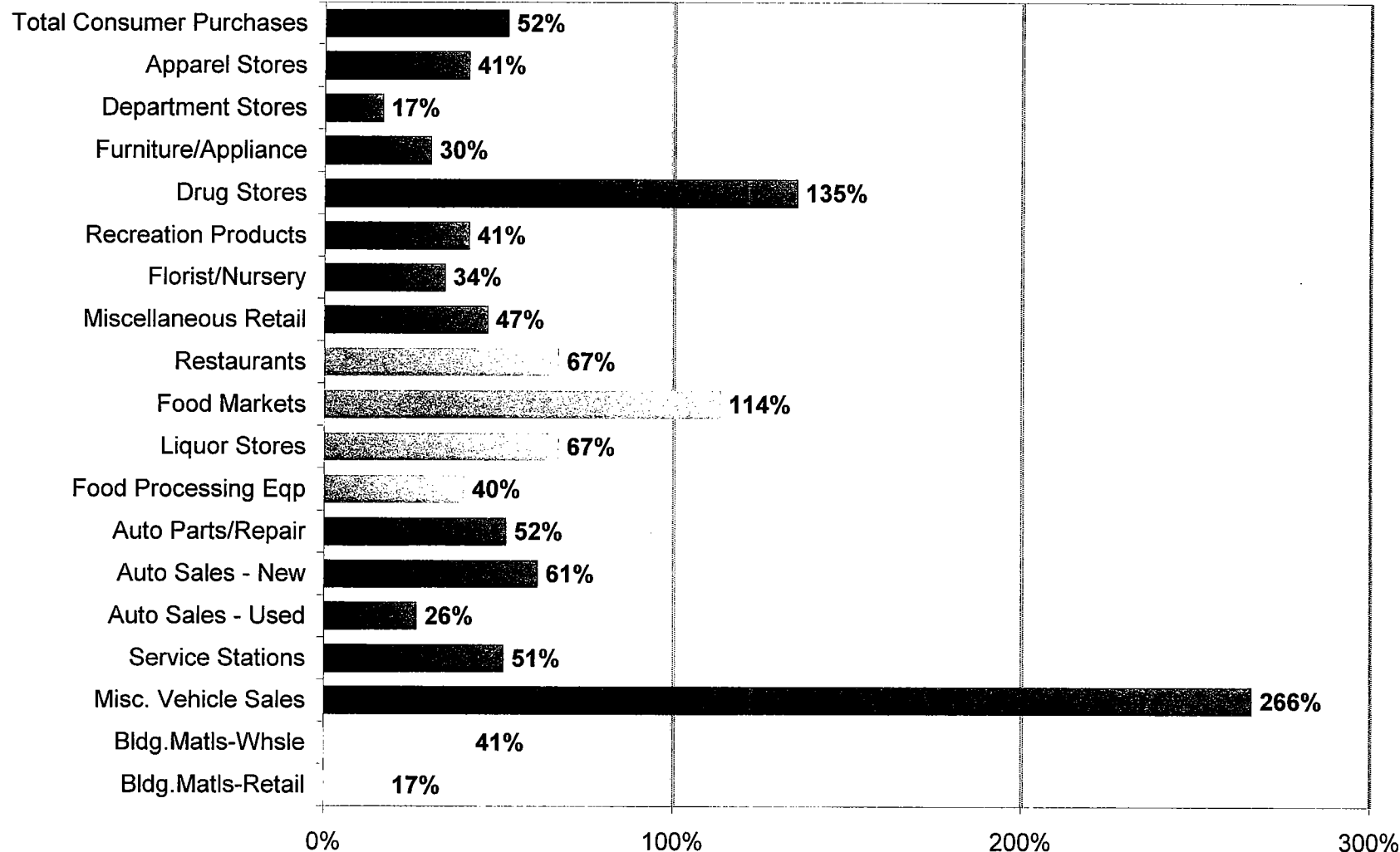
ALAMEDA

HISTORICAL SALES TAX PER CAPITA BY CALENDAR YEAR



☐ GENERAL RETAIL
 ☐ FOOD PRODUCTS
 ☐ TRANSPORTATION
 ☐ CONSTRUCTION
 ☐ BUSINESS TO BUSINESS
 ☐ MISCELLANEOUS

Alameda: 3rd Quarter 2008 Sales Tax Capture & Gap Analysis Report



Percent of Potential Sales Tax - Under 100% indicates Gap - Over 100% indicates Capture

Parent Economic Categories:

- Total Consumer Purchases
- General Retail Segments
- Food Products Segments
- Transportation Segments
- Construction Segments

Chart's Message:

The chart provides an overview of how well Alameda is capturing potential sales tax based on its residents' effective buying income (disposable income) compared to purchasing habits in the S.F. Bay Area region.

City Council
 Attachment D to
 Agenda Item #4-C
 03-03-09

City Council
Attachment E to
Agenda Item #4-C
03-03-09

SALES TAX NET CASH RECEIPTS ANALYSIS (BRADLEY BURNS 1%)

	QUARTERLY CHANGES						FISCAL YEAR TO DATE				MOST RECENT FOUR QUARTER TOTAL			
	2006/2	2006/3	2006/4	2007/1	2007/2	2007/3	FISCAL YR	FISCAL YR	FISCAL YR	FISCAL YR	BENCHMARK	BENCHMARK	BENCHMARK	
	2007/2	2007/3	2007/4	2008/1	2008/2	2008/3	2007-2008	2008-2009	\$ CHANGE	%CHG	YR 2007/3	YR 2008/3	YEAR	
	%CHG	%CHG	%CHG	%CHG	%CHG	%CHG	2 QUARTERS	2 QUARTERS			AMOUNT	AMOUNT	\$ CHANGE	%CHG
1 OAKLAND	4.2	2.5	6.2	4.2	-12.3	-14.9	26,017,305	22,475,475	-3,541,830	-13.6	49,233,001	46,914,091	-2,318,910	-4.7
2 FREMONT	7.9	3.8	8.3	-1.0	-0.6	-10.2	17,060,995	16,121,870	-939,125	-5.5	33,454,354	33,145,805	-308,549	-0.9
3 HAYWARD	-1.0	-4.4	5.2	-9.7	-8.2	-1.2	14,291,973	13,616,441	-675,532	-4.7	28,651,376	27,642,019	-1,009,357	-3.5
4 SAN LEANDRO	-8.7	-6.9	-3.7	-11.1	-5.7	-10.2	11,117,733	10,228,483	-889,250	-8.0	22,454,876	20,767,336	-1,687,540	-7.5
5 PLEASANTON	-4.0	8.7	-6.1	-9.7	-2.4	-15.0	10,924,853	9,951,954	-972,899	-8.9	21,844,689	20,023,136	-1,821,553	-8.3
6 LIVERMORE	2.9	-2.6	-9.3	-18.5	-20.0	-7.8	10,543,984	9,061,683	-1,482,301	-14.1	20,380,765	17,546,195	-2,834,570	-13.9
7 BERKELEY	1.8	8.4	-8.1	-3.9	-2.4	-1.6	7,600,050	7,447,858	-152,192	-2.0	14,980,015	14,382,544	-597,471	-4.0
8 DUBLIN	7.7	-3.4	5.1	-2.0	-5.4	-10.2	7,270,176	6,701,724	-568,452	-7.8	14,094,465	13,650,572	-443,893	-3.1
9 NEWARK	-20.9	23.5	-2.2	-14.5	-7.4	-26.9	5,495,929	4,478,088	-1,017,841	-18.5	10,447,671	9,034,903	-1,412,768	-13.5
10 UNION CITY	20.8	1.1	-0.1	3.9	-17.0	3.6	4,685,573	4,333,368	-352,205	-7.5	8,785,318	8,508,827	-276,491	-3.1
11 ALAMEDA COUNTY	4.3	11.1	-2.5	-3.6	17.1	-4.8	4,358,791	4,615,272	256,481	5.9	8,172,791	8,315,180	142,389	1.7
12 EMERYVILLE	-2.6	15.2	-10.0	-5.5	-6.7	-22.7	4,187,677	3,527,220	-660,457	-15.8	8,029,452	7,061,413	-968,039	-12.1
13 CITY OF ALAMEDA*	-8.5	7.0	2.3	15.7	7.6	1.7	3,007,416	3,146,379	138,963	4.6	5,922,481	6,313,337	390,856	6.6
14 ALBANY	6.0	-3.0	-7.6	-1.0	5.8	14.1	1,009,321	1,109,339	100,018	9.9	2,085,010	2,134,784	49,774	2.4
15 PIEDMONT	-14.7	-20.7	15.1	-8.4	-8.4	23.3	84,847	90,906	6,059	7.1	177,011	187,288	10,277	5.8
ALAMEDA CO. *	0.9	2.5	0.5	-4.6	-6.8	-10.0	127,656,623	116,906,060	-10,750,563	-8.4	248,713,275	235,627,430	-13,085,845	-5.3
CONTRA COSTA CO.	2.3	-4.1	-0.8	-1.7	23.7	-3.4	69,411,353	76,563,888	7,152,535	10.3	137,851,593	144,189,512	6,337,919	4.6
MARIN CO.	1.3	1.3	1.6	-0.1	-3.1	-3.1	22,282,208	21,584,859	-697,349	-3.1	43,918,086	43,390,915	-527,171	-1.2
NAPA CO.	9.9	0.6	4.8	2.1	-1.5	1.6	13,470,854	13,476,079	5,225	0.0	25,359,384	25,788,516	429,132	1.7
SAN FRANCISCO CO.	5.2	5.1	5.2	3.1	0.6	6.5	73,568,121	76,165,849	2,597,728	3.5	146,086,357	151,751,435	5,665,078	3.9
SAN MATEO CO.	2.9	-2.7	2.8	16.4	1.3	0.8	63,990,896	64,665,477	674,581	1.1	126,605,449	133,067,204	6,461,755	5.1
SANTA CLARA CO.	3.1	4.6	2.3	2.9	-4.1	-2.8	171,556,387	165,628,294	-5,928,093	-3.5	336,990,941	335,323,480	-1,667,461	-0.5
SOLANO CO.	1.4	-4.0	-2.1	-6.4	-6.5	-1.7	32,000,538	30,673,942	-1,326,596	-4.1	62,993,628	60,393,932	-2,599,696	-4.1
SONOMA CO.	0.6	-4.9	-2.1	-3.4	-5.1	-2.6	39,940,629	38,406,175	-1,534,454	-3.8	77,895,608	75,334,066	-2,561,542	-3.3
S.F. BAY AREA *	2.6	1.1	1.5	1.3	-0.4	-2.8	613,877,609	604,070,623	-9,806,986	-1.6	1,206,414,321	1,204,866,490	-1,547,831	-0.1
CENTRAL COAST	0.9	-3.8	2.6	-5.4	-3.3	-0.5	67,447,938	66,179,389	-1,268,549	-1.9	130,794,990	128,766,514	-2,028,476	-1.6
CENTRAL VALLEY	0.5	-5.7	0.1	-3.1	-1.5	-1.2	259,570,251	255,985,686	-3,584,565	-1.4	503,940,066	496,785,384	-7,154,682	-1.4
NORTH COAST	-0.2	-6.5	-1.8	-3.0	-3.8	0.0	24,462,860	23,989,218	-473,642	-1.9	47,187,772	46,180,947	-1,006,825	-2.1
OTHER NORTHERN	2.0	-3.1	1.0	-0.8	-4.0	-1.6	30,239,890	29,403,505	-836,385	-2.8	57,323,573	56,535,019	-788,554	-1.4
SACRAMENTO VALLEY	1.3	-5.0	-4.1	-2.3	-6.0	-2.6	206,163,740	197,238,271	-8,925,469	-4.3	401,090,945	385,796,064	-15,294,881	-3.8
NORTHERN CALIF	1.7	-2.1	0.2	-0.8	-2.0	-2.2	1,201,762,288	1,176,866,692	-24,895,596	-2.1	2,346,751,667	2,318,930,418	-27,821,249	-1.2
INLAND EMPIRE	-2.5	-5.1	-2.9	-7.6	-6.3	-8.5	300,647,572	278,422,674	-22,224,898	-7.4	601,154,367	563,318,842	-37,835,525	-6.3
OTHER SOUTHERN	2.5	0.0	11.5	-2.7	1.1	-3.1	12,787,292	12,665,040	-122,252	-1.0	25,151,969	25,592,108	440,139	1.7
SOUTH COAST	0.6	-3.0	0.5	-2.0	-3.5	-2.9	1,321,425,506	1,279,012,584	-42,412,922	-3.2	2,614,528,570	2,562,622,461	-51,906,109	-2.0
SOUTHERN CALIF	0.0	-3.3	-0.1	-3.1	-4.0	-3.9	1,634,860,370	1,570,100,298	-64,760,072	-4.0	3,240,834,906	3,151,533,411	-89,301,495	-2.8

SALES TAX NET CASH RECEIPTS ANALYSIS (BRADLEY BURNS 1%)

	QUARTERLY CHANGES						FISCAL YEAR TO DATE				MOST RECENT FOUR QUARTER TOTAL			
	2006/2	2006/3	2006/4	2007/1	2007/2	2007/3	FISCAL YR	FISCAL YR	FISCAL YR	FISCAL YR	BENCHMARK	BENCHMARK	BENCHMARK	
	2007/2	2007/3	2007/4	2008/1	2008/2	2008/3	2007-2008	2008-2009	\$ CHANGE	%CHG	YR 2007/3	YR 2008/3	YEAR	
	%CHG	%CHG	%CHG	%CHG	%CHG	%CHG	2 QUARTERS	2 QUARTERS			AMOUNT	AMOUNT	\$ CHANGE	%CHG
STATE TOTAL	0.7	-2.8	0.0	-2.1	-3.1	-3.2	2,836,622,658	2,746,966,990	-89,655,668	-3.2	5,587,586,573	5,470,463,829	-117,122,744	-2.1

NORTHERN CALIFORNIA: QUARTERLY COMPARISON 2008Q3 TO 2007Q3

Jurisdiction	General Retail	Food Products	Transportation	Construction	B2B	Miscellaneous	2007 Q3 Total	2008 Q3 Total	% Change	Largest Gain	2nd Largest Gain	Largest Decline	2nd Largest Decline
CENTRAL COAST													
MONTEREY COUNTY													
Monterey	-10.5%	-5.8%	7.8%	-23.9%	-8.8%	87.4%	1,873,804	1,777,634	-5.1%	Miscellaneous Other	Service Stations	Department Stores	Restaurants
Pacific Grove	-14.0%	-8.6%	4.6%	-6.5%	23.0%	-20.5%	370,437	340,599	-8.1%	Bldg.Matls-Whsle	Business Services	Bldg.Matls-Retail	Restaurants
SAN LUIS OBISPO COUNTY													
Grover Beach	-18.3%	-8.2%	-8.3%	18.7%	-15.0%	-34.4%	255,982	237,365	-7.3%	Bldg.Matls-Whsle	Service Stations	Restaurants	Auto Sales - Used
SANTA CRUZ COUNTY													
Capitola	-14.8%	-1.4%	-17.3%	-18.2%	3.1%	-0.2%	1,212,908	1,054,889	-13.0%	Service Stations	Business Services	Auto Sales - New	Department Stores
Watsonville	-5.1%	0.9%	-14.4%	-9.5%	-2.6%	-53.0%	1,538,640	1,427,346	-7.2%	Service Stations	Energy Sales	Auto Sales - New	Bldg.Matls-Retail
CENTRAL VALLEY													
FRESNO COUNTY													
Clovis	-3.0%	-2.4%	-17.3%	-9.9%	15.1%	-22.9%	3,365,012	3,106,135	-7.7%	Service Stations	Chemical Products	Auto Sales - New	Bldg.Matls-Whsle
Fresno	-5.9%	-1.4%	-10.8%	-10.3%	-2.5%	-17.7%	17,713,572	16,519,949	-6.7%	Service Stations	Energy Sales	Auto Sales - New	Auto Sales - Used
Kerman	-4.4%	7.6%	1.5%	-12.4%	-1.9%	-29.4%	236,436	243,155	2.8%	Food Markets	Auto Parts/Repair	Food Processing Eqp	Misc. Vehicle Sales
Kingsburg	-6.4%	2.4%	21.4%	-35.8%	4.0%	-33.0%	200,191	208,761	4.3%	Service Stations	Food Processing Eqp	Bldg.Matls-Whsle	Restaurants
Reedley	-7.9%	3.7%	12.8%	-10.8%	-10.4%	-45.7%	375,964	387,695	3.1%	Service Stations	Food Markets	Auto Sales - New	Florist/Nursery
Sanger	2.5%	-7.5%	-35.7%	-13.6%	13.5%	-13.8%	473,172	396,502	-16.2%	Service Stations	Bldg.Matls-Retail	Auto Sales - New	Bldg.Matls-Whsle
Selma	-3.5%	2.7%	-34.4%	-15.2%	17.9%	-10.3%	1,061,531	851,275	-19.8%	Heavy Industry	Food Markets	Auto Sales - New	Service Stations
KERN COUNTY													
Bakersfield	-3.9%	-0.4%	-12.5%	1.3%	15.9%	0.7%	13,771,962	13,450,618	-2.3%	Service Stations	Energy Sales	Auto Sales - New	Misc. Vehicle Sales
Delano	-5.6%	0.8%	-3.0%	-8.1%	43.5%	-7.0%	810,815	863,499	6.5%	Energy Sales	Service Stations	Auto Sales - New	Auto Sales - Used
Ridgecrest	-8.9%	9.0%	-16.7%	-5.8%	-8.0%	-5.7%	671,297	628,882	-6.3%	Food Markets	Service Stations	Auto Sales - New	Department Stores
Shafter	8.8%	-11.8%	-6.5%	-14.8%	56.8%	-29.2%	1,290,768	1,320,910	2.3%	Energy Sales	Chemical Products	Bldg.Matls-Whsle	Auto Sales - New
KINGS COUNTY													
Hanford	-4.5%	0.5%	8.3%	-2.5%	3.4%	-2.9%	1,736,635	1,745,649	0.5%	Service Stations	Florist/Nursery	Department Stores	Auto Sales - New
MADERA COUNTY													
Madera	-13.4%	-7.3%	-0.4%	18.1%	1.6%	-28.1%	1,409,970	1,388,398	-1.5%	Bldg.Matls-Retail	Service Stations	Auto Sales - New	Department Stores
MERCED COUNTY													
Atwater	66.2%	3.4%	23.4%	100+%	-57.9%	-62.1%	458,840	524,650	14.3%	Bldg.Matls-Whsle	Department Stores	Light Industry	Health & Government
SAN JOAQUIN COUNTY													
Escalon	-15.2%	-3.8%	-33.4%	14.2%	-6.8%	-10.7%	209,623	173,003	-17.5%	Bldg.Matls-Retail	Service Stations	Auto Sales - New	Misc. Vehicle Sales
Lathrop	100+%	5.6%	55.5%	-15.8%	5.7%	-100.0%	506,406	655,706	29.5%	Misc. Vehicle Sales	Service Stations	Heavy Industry	Bldg.Matls-Whsle
Lodi	-9.5%	-8.7%	-8.4%	-17.6%	10.4%	-23.2%	2,110,202	1,942,187	-8.0%	Service Stations	Energy Sales	Auto Sales - New	Department Stores
Manteca	-3.7%	-3.0%	-22.8%	-24.7%	12.3%	-19.4%	1,893,659	1,665,126	-12.1%	Service Stations	Electronic Equipment	Auto Sales - New	Bldg.Matls-Retail
Ripon	-9.6%	15.6%	4.7%	-29.1%	4.4%	66.2%	634,097	631,238	-0.5%	Service Stations	Food Markets	Bldg.Matls-Whsle	Heavy Industry
San Joaquin County	5.3%	-10.0%	3.1%	-19.7%	-5.3%	-22.3%	3,783,627	3,552,736	-6.1%	Service Stations	Florist/Nursery	Bldg.Matls-Whsle	Misc. Vehicle Sales
Stockton	-4.9%	-3.5%	-7.9%	-15.8%	-10.8%	-2.1%	9,237,976	8,476,719	-8.2%	Service Stations	Energy Sales	Auto Sales - New	Heavy Industry
Tracy	-3.1%	-6.5%	-10.2%	-20.8%	-29.8%	10.0%	2,888,423	2,588,762	-10.4%	Service Stations	Auto Sales - Used	Auto Sales - New	Light Industry
STANISLAUS COUNTY													
Ceres	-2.9%	-10.8%	14.1%	-19.3%	10.5%	-5.6%	1,140,972	1,136,450	-0.4%	Service Stations	Energy Sales	Bldg.Matls-Retail	Heavy Industry
Modesto	-9.6%	-3.7%	-14.3%	-2.0%	27.4%	4.7%	6,258,734	6,004,412	-4.1%	Energy Sales	Service Stations	Auto Sales - New	Department Stores
Oakdale	-6.2%	-6.6%	-7.1%	-7.7%	22.3%	-14.8%	756,466	733,953	-3.0%	Light Industry	Service Stations	Auto Sales - New	Heavy Industry
Riverbank	22.5%	19.9%	37.6%	-17.6%	-21.0%	-7.7%	479,643	531,054	10.7%	Furniture/Appliance	Service Stations	Bldg.Matls-Whsle	Bldg.Matls-Retail
Turlock	-7.3%	-0.9%	-5.0%	15.4%	-8.4%	-23.1%	2,576,420	2,511,428	-2.5%	Service Stations	Bldg.Matls-Whsle	Auto Sales - New	Furniture/Appliance

NORTHERN CALIFORNIA: QUARTERLY COMPARISON 2008Q3 TO 2007Q3

Jurisdiction	General Retail	Food Products	Transportation	Construction	B2B	Miscellaneous	2007 Q3 Total	2008 Q3 Total	% Change	Largest Gain	2nd Largest Gain	Largest Decline	2nd Largest Decline
TULARE COUNTY													
Dinuba	-0.1%	6.0%	-34.9%	-12.8%	-11.1%	-15.2%	564,303	476,534	-15.6%	Service Stations	Miscellaneous Retail	Auto Sales - New	Auto Sales - Used
Porterville	-16.8%	-4.5%	-13.8%	28.9%	-6.0%	3.7%	1,207,574	1,122,497	-7.0%	Bldg.Matls-Retail	Service Stations	Auto Sales - New	Department Stores
Tulare	3.5%	2.7%	10.0%	-1.7%	52.7%	6.2%	1,731,041	1,891,290	9.3%	Service Stations	Light Industry	Auto Sales - New	Bldg.Matls-Retail
Visalia	-2.2%	-1.9%	-11.3%	-21.1%	15.0%	-0.2%	5,082,013	4,910,182	-3.4%	Energy Sales	Service Stations	Auto Sales - New	Bldg.Matls-Whsle
TUOLUMNE COUNTY													
Sonora	-7.7%	-3.0%	15.8%	-3.2%	-47.5%	-31.8%	632,519	575,449	-9.0%	Service Stations	Miscellaneous Retail	Energy Sales	Department Stores
NORTH COAST													
LAKE COUNTY													
Lakeport	-10.8%	-3.7%	-10.3%	-31.6%	-21.2%	11.1%	317,435	287,040	-9.6%	Service Stations	Food Markets	Auto Sales - New	Department Stores
MENDOCINO COUNTY													
Fort Bragg	-2.9%	-2.0%	-7.8%	-3.3%	28.5%	11.3%	427,276	427,862	0.1%	Energy Sales	Heavy Industry	Auto Sales - New	Bldg.Matls-Retail
Ukiah	-8.0%	4.2%	-9.8%	-14.4%	4.2%	75.2%	1,038,519	968,016	-6.8%	Food Markets	Service Stations	Department Stores	Auto Sales - New
Willits	-8.8%	2.4%	5.4%	-11.8%	-12.1%	4.7%	360,942	353,079	-2.2%	Service Stations	Food Markets	Florist/Nursery	Bldg.Matls-Whsle
SHASTA COUNTY													
Redding	-7.7%	-3.0%	-9.5%	-16.6%	22.5%	-10.4%	5,024,134	4,714,524	-6.2%	Service Stations	Energy Sales	Auto Sales - New	Bldg.Matls-Retail
S.F. BAY AREA													
ALAMEDA COUNTY													
Alameda	-2.0%	-0.9%	-28.0%	100+%	1.7%	-12.3%	1,416,022	1,345,949	-4.9%	Bldg.Matls-Whsle	Service Stations	Auto Sales - New	Misc. Vehicle Sales
Alameda County	-22.9%	-0.1%	7.1%	-5.5%	-3.4%	-66.0%	1,892,821	1,771,366	-6.4%	Service Stations	Bldg.Matls-Retail	Drug Stores	Bldg.Matls-Whsle
Albany	8.5%	-7.8%	18.2%	19.9%	-6.9%	19.2%	470,695	507,923	7.9%	Auto Sales - New	Department Stores	Restaurants	Furniture/Appliance
Berkeley	-7.9%	-4.0%	7.0%	-9.7%	6.2%	-33.1%	3,589,090	3,407,708	-5.1%	Service Stations	Business Services	Health & Government	Miscellaneous Retail
Dublin	-17.5%	6.2%	-17.7%	-2.7%	-3.6%	-13.6%	3,263,333	2,866,163	-12.2%	Service Stations	Auto Sales - Used	Auto Sales - New	Miscellaneous Retail
Emeryville	0.5%	-0.5%	17.4%	-11.5%	-65.6%	-19.4%	2,131,915	1,724,435	-19.1%	Furniture/Appliance	Business Services	Light Industry	Office Equipment
Fremont	-1.4%	-0.7%	-2.4%	-8.2%	-22.9%	-13.2%	8,050,626	7,253,033	-9.9%	Service Stations	Light Industry	Heavy Industry	Auto Sales - New
Hayward	-6.7%	1.6%	-10.0%	-9.2%	3.5%	-36.3%	6,694,481	6,387,473	-4.6%	Service Stations	Chemical Products	Auto Sales - New	Bldg.Matls-Whsle
Livermore	-4.4%	0.8%	-0.4%	1.0%	-33.1%	-12.6%	4,597,362	4,048,889	-11.9%	Service Stations	Heavy Industry	Light Industry	Auto Sales - New
Newark	-12.2%	-5.1%	1.3%	-17.8%	-0.2%	-28.1%	2,206,207	2,073,994	-6.0%	Office Equipment	Service Stations	Department Stores	Heavy Industry
Oakland	-5.8%	-3.0%	2.4%	-12.8%	-36.0%	-3.2%	12,210,855	10,420,864	-14.7%	Service Stations	Food Markets	Energy Sales	Auto Sales - New
Piedmont	-25.9%	-8.7%	2.2%	-7.4%	-35.1%	-42.1%	43,695	39,025	-10.7%	Food Markets	Service Stations	Miscellaneous Retail	Bldg.Matls-Retail
Pleasanton	-9.2%	-3.6%	-0.3%	-3.9%	-11.8%	17.5%	4,735,122	4,406,012	-7.0%	Service Stations	Leasing	Light Industry	Auto Sales - New
San Leandro	0.4%	-2.1%	-2.5%	-8.9%	-21.7%	2.0%	4,826,644	4,466,969	-7.5%	Service Stations	Bldg.Matls-Retail	Light Industry	Auto Sales - New
Union City	0.8%	-5.9%	17.8%	-10.5%	10.6%	24.8%	1,981,524	2,023,916	2.1%	Service Stations	Electronic Equipment	Bldg.Matls-Whsle	Food Processing Eqp
CONTRA COSTA COUNTY													
Antioch	-5.3%	-6.2%	-16.2%	-15.9%	-18.6%	38.2%	2,461,777	2,199,068	-10.7%	Service Stations	Apparel Stores	Auto Sales - New	Bldg.Matls-Retail
Brentwood	4.9%	-2.6%	3.3%	-11.1%	7.7%	5.2%	1,084,944	1,093,810	0.8%	Service Stations	Miscellaneous Retail	Auto Sales - New	Auto Sales - Used
Clayton	14.1%	-0.7%	-100.0%	-96.4%	-16.8%	7.5%	78,501	79,252	1.0%	Drug Stores	Heavy Industry	Light Industry	Restaurants
Concord	-5.8%	0.1%	-10.0%	-11.2%	2.2%	-10.9%	6,292,033	5,927,321	-5.8%	Service Stations	Heavy Industry	Auto Sales - New	Bldg.Matls-Retail
Contra Costa County	7.6%	-3.1%	-2.6%	-45.3%	1.5%	-2.2%	2,421,043	2,101,833	-13.2%	Service Stations	Leasing	Bldg.Matls-Whsle	Bldg.Matls-Retail
Danville	-4.7%	2.8%	29.4%	-37.2%	-11.4%	-3.5%	1,009,822	1,015,548	0.6%	Service Stations	Heavy Industry	Business Services	Bldg.Matls-Whsle
El Cerrito	-12.4%	-5.1%	-4.6%	-5.5%	-6.2%	26.7%	829,669	767,055	-7.5%	Service Stations	Miscellaneous Retail	Department Stores	Auto Sales - New
Hercules	-8.8%	-31.0%	100+%	-7.8%	34.9%	-44.7%	301,892	352,349	16.7%	Service Stations	Electronic Equipment	Food Markets	Bldg.Matls-Retail
Lafayette	-7.4%	0.7%	11.5%	-7.5%	17.6%	-0.5%	555,629	561,358	1.0%	Service Stations	Electronic Equipment	Miscellaneous Retail	Florist/Nursery
Martinez	-1.3%	-0.3%	19.7%	1.2%	16.4%	52.7%	1,013,430	1,096,698	8.2%	Energy Sales	Service Stations	Chemical Products	Bldg.Matls-Retail
Moraga	-7.8%	0.5%	18.8%	-3.5%	-48.5%	-20.8%	198,470	191,734	-3.4%	Service Stations	Apparel Stores	Miscellaneous Retail	Chemical Products
Oakley	-24.6%	3.3%	8.9%	100+%	-6.4%	9.4%	321,762	334,021	3.8%	Service Stations	Restaurants	Misc. Vehicle Sales	Furniture/Appliance
Orinda	-12.7%	-1.2%	27.2%	100+%	-39.0%	100+%	221,887	271,210	22.2%	Bldg.Matls-Whsle	Service Stations	Miscellaneous Retail	Business Services
Pinole	-21.5%	4.3%	1.7%	-9.0%	5.2%	100+%	733,838	684,727	-6.7%	Food Markets	Light Industry	Department Stores	Furniture/Appliance
Pittsburg	-6.4%	6.4%	-12.6%	-18.3%	50.9%	32.0%	1,699,288	1,676,805	-1.3%	Heavy Industry	Service Stations	Auto Sales - New	Chemical Products

NORTHERN CALIFORNIA: QUARTERLY COMPARISON 2008Q3 TO 2007Q3

Jurisdiction	General Retail	Food Products	Transportation	Construction	B2B	Miscellaneous	2007 Q3 Total	2008 Q3 Total	% Change	Largest Gain	2nd Largest Gain	Largest Decline	2nd Largest Decline
Pleasant Hill	-8.2%	3.4%	14.5%	-8.2%	31.4%	-15.8%	1,574,405	1,591,234	1.1%	Light Industry	Service Stations	Department Stores	Furniture/Appliance
Richmond	6.8%	-3.0%	-2.4%	4.5%	-31.8%	33.1%	2,997,041	2,870,651	-4.2%	Service Stations	Department Stores	Auto Sales - New	Heavy Industry
San Pablo	-16.9%	-4.4%	8.2%	-7.0%	-5.6%	6.9%	414,318	399,878	-3.5%	Service Stations	Heavy Industry	Miscellaneous Retail	Food Markets
San Ramon	-7.3%	4.4%	15.8%	-12.7%	-32.3%	-36.5%	2,182,972	1,937,004	-11.3%	Service Stations	Energy Sales	Light Industry	Heavy Industry
Walnut Creek	-6.7%	-0.5%	-17.5%	-17.3%	-9.0%	-12.8%	4,459,114	4,004,413	-10.2%	Service Stations	Chemical Products	Auto Sales - New	Miscellaneous Retail
MARIN COUNTY													
Fairfax	15.3%	-1.4%	48.0%	1.2%	98.2%	-9.4%	92,932	103,765	11.7%	Service Stations	Drug Stores	Miscellaneous Retail	Food Markets
Larkspur	-2.2%	14.7%	14.6%	-7.2%	-8.6%	-13.0%	440,028	457,820	4.0%	Liquor Stores	Service Stations	Leasing	Apparel Stores
San Anselmo	-3.7%	-2.3%	19.9%	62.5%	-3.1%	-22.1%	232,587	235,490	1.2%	Service Stations	Bldg.Matls-Whsle	Miscellaneous Retail	Business Services
Sausalito	-8.3%	14.5%	9.8%	-67.2%	-2.7%	27.5%	399,459	413,487	3.5%	Restaurants	Furniture/Appliance	Miscellaneous Retail	Bldg.Matls-Whsle
NAPA COUNTY													
Napa	-7.6%	2.3%	6.6%	5.3%	-7.7%	-0.6%	2,841,514	2,839,501	-0.1%	Service Stations	Bldg.Matls-Retail	Department Stores	Auto Sales - New
Saint Helena	-11.1%	-2.4%	-1.5%	-15.0%	-14.8%	68.1%	586,271	544,936	-7.1%	Service Stations	Restaurants	Bldg.Matls-Retail	Food Processing Eqp
Yountville	-11.3%	17.1%	-26.4%	100+%	100+%	12.8%	161,922	186,785	15.4%	Food Processing Eqp	Furniture/Appliance	Restaurants	Miscellaneous Retail
SAN FRANCISCO COUNTY													
San Francisco	-2.0%	3.3%	3.0%	-2.2%	25.7%	-6.7%	31,910,146	33,180,098	4.0%	Energy Sales	Service Stations	Auto Sales - New	Miscellaneous Retail
SAN MATEO COUNTY													
Belmont	-5.5%	4.0%	-17.7%	5.3%	-8.7%	6.5%	698,534	630,659	-9.7%	Leasing	Service Stations	Auto Sales - New	Electronic Equipment
Brisbane	-10.1%	2.2%	-21.0%	-12.1%	8.6%	16.3%	1,077,441	1,082,262	0.4%	Office Equipment	Miscellaneous Retail	Furniture/Appliance	Bldg.Matls-Retail
Daly City	-6.0%	1.0%	-0.1%	-10.6%	-5.2%	4.6%	2,252,774	2,186,496	-2.9%	Service Stations	Apparel Stores	Auto Sales - New	Department Stores
East Palo Alto	-2.3%	1.7%	20.7%	-8.3%	-10.2%	9.1%	642,894	629,238	-2.1%	Service Stations	Heavy Industry	Bldg.Matls-Retail	Furniture/Appliance
Foster City	1.1%	3.8%	30.2%	-17.1%	-22.9%	-4.0%	1,074,985	968,156	-9.9%	Service Stations	Light Industry	Office Equipment	Electronic Equipment
Half Moon Bay	-7.2%	4.6%	18.6%	-6.8%	-2.6%	-32.6%	499,227	516,258	3.4%	Service Stations	Restaurants	Miscellaneous Retail	Bldg.Matls-Retail
Menlo Park	-5.9%	0.5%	25.0%	-6.6%	-12.2%	60.8%	1,703,073	1,612,371	-5.3%	Electronic Equipment	Service Stations	Office Equipment	Restaurants
Redwood City	-12.5%	-1.1%	-9.9%	-4.2%	-7.6%	3.5%	4,171,017	3,829,487	-8.2%	Service Stations	Leasing	Auto Sales - New	Department Stores
San Bruno	-2.1%	-3.4%	-18.0%	-17.1%	-8.6%	21.7%	1,579,082	1,448,431	-8.3%	Leasing	Service Stations	Auto Sales - New	Office Equipment
San Mateo	-11.2%	0.5%	7.7%	-12.2%	-12.6%	-4.0%	3,724,196	3,522,653	-5.4%	Service Stations	Restaurants	Department Stores	Apparel Stores
South San Francisc	3.5%	5.3%	11.4%	-20.8%	-14.7%	-21.0%	2,951,786	2,787,632	-5.6%	Department Stores	Bldg.Matls-Retail	Bldg.Matls-Whsle	Chemical Products
SANTA CLARA COUNTY													
Campbell	-6.2%	2.4%	8.4%	-11.1%	7.9%	24.6%	2,150,657	2,125,628	-1.2%	Service Stations	Business Services	Department Stores	Bldg.Matls-Whsle
Cupertino	-14.6%	-3.3%	17.6%	8.2%	-11.4%	-4.7%	4,116,157	3,725,478	-9.5%	Service Stations	Electronic Equipment	Business Services	Office Equipment
Gilroy	-1.6%	-3.5%	-11.0%	-25.0%	-16.6%	17.6%	3,148,303	2,896,258	-8.0%	Service Stations	Apparel Stores	Auto Sales - New	Bldg.Matls-Retail
Los Altos	-14.3%	-2.4%	54.7%	11.4%	9.3%	-22.9%	539,310	548,399	1.7%	Service Stations	Leasing	Miscellaneous Retail	Furniture/Appliance
Los Gatos	14.4%	-1.5%	-11.1%	16.7%	-27.3%	-12.5%	1,974,367	1,989,129	0.7%	Miscellaneous Retail	Furniture/Appliance	Auto Sales - New	Electronic Equipment
Milpitas	-0.6%	-2.4%	100+%	-19.4%	14.3%	4.7%	3,182,261	3,539,698	11.2%	Auto Sales - New	Office Equipment	Light Industry	Bldg.Matls-Retail
Monte Sereno	-57.2%	-100.0%	46.9%	-100.0%	-100.0%	-56.8%	4,202	2,647	-37.0%	Auto Parts/Repair	Chemical Products	Food Processing Eqp	Miscellaneous Retail
Morgan Hill	-7.4%	4.9%	-12.5%	-13.6%	-0.5%	-4.0%	1,422,529	1,321,333	-7.1%	Service Stations	Office Equipment	Auto Sales - New	Misc. Vehicle Sales
Mountain View	-1.7%	-1.3%	11.1%	-3.7%	-12.5%	56.5%	3,565,926	3,500,789	-1.8%	Service Stations	Office Equipment	Electronic Equipment	Light Industry
Palo Alto	-7.6%	-1.0%	-10.0%	11.6%	-16.3%	-11.0%	4,822,649	4,398,631	-8.8%	Service Stations	Misc. Vehicle Sales	Auto Sales - New	Department Stores
San Jose	-2.7%	-1.3%	-2.5%	-6.5%	-2.3%	-5.1%	32,360,940	31,466,364	-2.8%	Service Stations	Energy Sales	Auto Sales - New	Office Equipment
Santa Clara	-10.2%	-0.5%	-17.4%	4.1%	-9.5%	10.8%	8,962,617	8,154,374	-9.0%	Office Equipment	Service Stations	Auto Sales - New	Electronic Equipment
Santa Clara County	-5.0%	-5.1%	-8.5%	-23.0%	-7.7%	-5.2%	1,189,943	1,080,061	-9.2%	Service Stations	Misc. Vehicle Sales	Bldg.Matls-Whsle	Auto Sales - Used
Saratoga	-22.1%	6.7%	22.3%	-10.2%	20.2%	-17.9%	243,904	242,468	-0.6%	Service Stations	Office Equipment	Miscellaneous Retail	Furniture/Appliance
Sunnyvale	3.5%	-4.2%	-8.1%	-8.2%	-3.0%	-4.3%	6,420,594	6,166,308	-4.0%	Service Stations	Office Equipment	Auto Sales - New	Electronic Equipment
SOLANO COUNTY													
Fairfield	-6.2%	2.9%	-18.0%	-22.8%	12.1%	-4.8%	4,030,927	3,710,184	-8.0%	Service Stations	Heavy Industry	Auto Sales - New	Bldg.Matls-Retail
Rio Vista	-9.5%	-1.7%	-19.2%	100+%	68.0%	-24.7%	257,213	347,044	34.9%	Bldg.Matls-Whsle	Chemical Products	Auto Sales - New	Energy Sales
SONOMA COUNTY													
Healdsburg	-6.4%	-0.3%	-9.1%	2.3%	42.2%	11.3%	828,190	865,888	4.6%	Electronic Equipment	Bldg.Matls-Whsle	Auto Sales - New	Heavy Industry

NORTHERN CALIFORNIA: QUARTERLY COMPARISON 2008Q3 TO 2007Q3

Jurisdiction	General Retail	Food Products	Transportation	Construction	B2B	Miscellaneous	2007 Q3 Total	2008 Q3 Total	% Change	Largest Gain	2nd Largest Gain	Largest Decline	2nd Largest Decline
Petaluma	-4.3%	1.6%	-12.5%	-22.0%	-11.8%	-6.0%	2,787,790	2,517,885	-9.7%	Service Stations	Leasing	Electronic Equipment	Auto Sales - New
Rohnert Park	-4.1%	-1.0%	0.6%	-8.9%	0.4%	-24.8%	1,666,101	1,606,734	-3.6%	Department Stores	Service Stations	Miscellaneous Retail	Furniture/Appliance
Santa Rosa	-4.3%	0.8%	-10.3%	-11.5%	-4.6%	-23.1%	7,314,179	6,846,928	-6.4%	Service Stations	Heavy Industry	Auto Sales - New	Bldg.Matls-Retail
Sebastopol	-1.1%	-3.9%	-5.5%	-6.5%	-10.3%	-2.8%	358,506	343,081	-4.3%	Florist/Nursery	Recreation Products	Food Processing Eqp	Miscellaneous Retail
Sonoma	-12.0%	-5.0%	10.0%	14.7%	-20.4%	-45.9%	570,959	555,233	-2.8%	Service Stations	Bldg.Matls-Retail	Miscellaneous Retail	Food Markets
SACRAMENTO VALLEY													
BUTTE COUNTY													
Oroville	-4.0%	-3.6%	7.7%	-11.1%	-0.7%	-20.1%	797,356	790,797	-0.8%	Service Stations	Energy Sales	Auto Sales - New	Bldg.Matls-Whsle
NEVADA COUNTY													
Truckee	-9.5%	-6.3%	-0.6%	-26.0%	-9.8%	-12.1%	921,199	793,423	-13.9%	Furniture/Appliance	Misc. Vehicle Sales	Bldg.Matls-Whsle	Bldg.Matls-Retail
PLACER COUNTY													
Roseville	-5.9%	1.1%	-18.2%	-13.2%	-14.5%	-17.3%	9,532,207	8,427,036	-11.6%	Service Stations	Liquor Stores	Auto Sales - New	Auto Sales - Used
SACRAMENTO COUNTY													
Citrus Heights	-8.5%	-4.8%	7.5%	-13.0%	1.0%	-10.0%	2,518,368	2,390,766	-5.1%	Service Stations	Energy Sales	Department Stores	Bldg.Matls-Retail
Elk Grove	-8.0%	-6.6%	-16.4%	-17.1%	-1.6%	-2.1%	4,312,331	3,830,574	-11.2%	Service Stations	Energy Sales	Auto Sales - New	Bldg.Matls-Retail
Folsom	-2.8%	-3.8%	-25.6%	-12.3%	-14.1%	-16.0%	3,811,705	3,312,813	-13.1%	Service Stations	Auto Parts/Repair	Auto Sales - New	Auto Sales - Used
Galt	-31.0%	10.7%	3.6%	4.6%	-18.7%	-39.3%	332,386	318,881	-4.1%	Food Markets	Service Stations	Chemical Products	Furniture/Appliance
Isleton	-32.3%	-29.7%	-69.7%	-87.8%	18.7%	-9.0%	35,913	39,212	9.2%	Energy Sales	Bldg.Matls-Whsle	Restaurants	Food Markets
Rancho Cordova	-14.9%	0.6%	4.7%	-21.3%	-23.9%	32.8%	2,278,331	1,988,392	-12.7%	Service Stations	Business Services	Office Equipment	Bldg.Matls-Whsle
Sacramento	-7.9%	-4.6%	0.3%	-14.0%	2.5%	-8.2%	15,098,428	14,377,079	-4.8%	Service Stations	Energy Sales	Bldg.Matls-Whsle	Auto Sales - New
Sacramento County	-5.0%	-2.8%	-6.6%	-10.9%	16.4%	-8.9%	17,075,801	16,551,803	-3.1%	Energy Sales	Service Stations	Auto Sales - New	Bldg.Matls-Retail
YOLO COUNTY													
Davis	-7.2%	1.3%	-14.8%	-9.8%	9.1%	-89.3%	1,405,094	1,247,670	-11.2%	Service Stations	Light Industry	Auto Sales - New	Health & Government
West Sacramento	0.0%	5.4%	8.2%	19.4%	7.2%	10.3%	3,100,497	3,360,332	8.4%	Energy Sales	Bldg.Matls-Retail	Auto Parts/Repair	Light Industry
Woodland	27.1%	-8.5%	1.3%	-8.0%	11.8%	11.2%	2,110,884	2,217,930	5.1%	Department Stores	Service Stations	Auto Sales - New	Restaurants

CITY OF ALAMEDA

Memorandum

To: Honorable Mayor and
Members of the City Council

From: Debra Kurita
City Manager

Date: March 3, 2009

Re: Authorize the City Manager to Execute All Necessary Agreements with the Water Emergency Transportation Authority and Harbor Bay Maritime for the Operation of the MV Pisces

BACKGROUND

On November 18, 2008, the City Council authorized the City Manager to negotiate and execute a funding agreement with the San Francisco Bay Area Water Emergency Transportation Authority (WETA) to reimburse the City for additional capital, operational costs, and insurance premiums associated with placing WETA's two new 149-passenger ferryboats, the MV Gemini and the MV Pisces, into the Alameda ferry services. Initially, WETA expected to use the ferry boats to operate the South San Francisco/Oakland ferry route in December of 2008. However, that service has been delayed, and WETA is making these boats available to the City. The funding agreement and the Gemini Bareboat Charter were approved by the City Council on December 2, 2008. The Gemini is expected to begin Alameda/Oakland Ferry Service (AOFS) operations in March, once modifications to the Main Street landing barge are completed.

In March, WETA will take delivery of the Pisces, which will be used for the Alameda Harbor Bay Ferry (AHBF) Service only. City and WETA staff have reached agreement on the terms for the Bareboat Charter of the Pisces. In addition, City staff and Harbor Bay Maritime (HBM) have reached agreement on the terms for the subcharter of the Pisces to HBM. If approved, the Pisces is expected to begin operations in April 2009.

DISCUSSION

Public Works staff has negotiated the principal terms for the WETA/City of Alameda Bareboat Charter Agreement, and the Fifth Amendment to the HBM Operating Agreement. Copies of the agreements are on file with the City Clerk. Principal agreement terms are:

- **Bareboat Charter (Charter):** The Charter specifies the terms under which the City can take possession of the Pisces, and it gives the City the right to subcharter the vessel to HBM for AHBF operations. The Charter term ends in

City Council
Agenda Item #4-D
03-03-09

July 2009, to coincide with the term of the HBM operating agreement. The Charter includes a provision for extending the agreement term. At time of delivery the vessel will be under a one-year vessel builder warranty and a five-year MTU Detroit Diesel extended engine warranty.

- **Fifth Amendment to HBM Operating Agreement (Amendment):** The Amendment requires HBM to operate, maintain, and insure the Gemini in the same manner as HBM operates the City-owned Bay Breeze and the Express II. In addition, HBM must comply with Pisces operating and reporting requirements set by WETA in the Charter.
- **Marine Express, Inc., Contract:** Operation of the Pisces on the AHBF service requires the installation of a mooring barge at the HBM Pier 48 facility in San Francisco. Staff proposes to enter into a contract with Marine Express, Inc., for the installation and monthly rental of a suitable barge. The 12-month Marine Express contract will cost \$107,200 including \$35,200 for barge modifications and a monthly rental fee of \$6,000. WETA will fully reimburse the City for these expenses under the WETA/City funding agreement, previously approved by the City Council.

Copies of the above-mentioned agreements are on file in the City Clerk's office.

FINANCIAL IMPACT

The funds for AHBF are budgeted in the Public Works Department's account for Capital Improvement Program (Project No. 621.10), with monies allocated from Measure B Transbay Ferry, Regional Measure 1 Bridge Toll Program, the Transportation Improvement Fund, and farebox revenue. Additional costs for Pisces-related expenses are provided through the Regional Measure 2 program administered by the Metropolitan Transportation Commission in accordance with the previously executed funding agreement between the City and WETA. There is no impact to the General Fund associated with AHBF operations.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

The proposed project does not affect the Alameda Municipal Code. The City's Ferry Service is consistent with the General Plan Transportation Element.

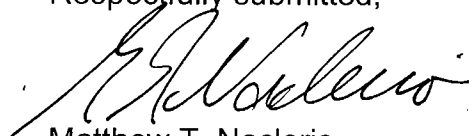
Honorable Mayor and
Members of the City Council

March 3, 2009
Page 3 of 3

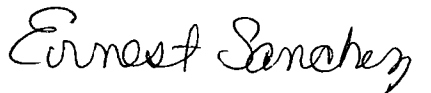
RECOMMENDATION

Authorize the City Manager to execute all necessary agreements with the WETA and HBM for the operation of the MV Pisces.

Respectfully submitted,



Matthew T. Naclerio
Public Works Director



By: Ernest Sanchez *by gc*
Ferry Manager

MTN:ES:gc

cc: Watchdog Committee (Ferry)

Approved as to Form

James P. G. Smith
City Attorney

CITY OF ALAMEDA ORDINANCE NO. _____
New Series

AMENDING THE ALAMEDA MUNICIPAL CODE BY
ADDING ARTICLE XX TO CHAPTER XIII (BUILDING
AND HOUSING), AND AMENDING SUBSECTION 30-7.12
(REDUCTION IN PARKING REQUIREMENTS FOR
EXISTING FACILITIES) OF SECTION 30-7 (OFF-STREET
PARKING AND LOADING SPACE REGULATIONS) OF
CHAPTER XXX (DEVELOPMENT REGULATIONS) BY
ADDING SUBSECTION 30-7.12(c) TO ALLOW FOR
REDUCTION IN PARKING REQUIREMENTS FOR
SEISMIC RETROFIT

BE IT ORDAINED by the City Council of the City of Alameda that:

Section 1. The Alameda Municipal Code is amended by adding Article XX, Earthquake Retrofit Standards and Requirements for Soft-Story Residential Buildings, to Chapter XIII, Building and Housing, consisting of subsections 13-80.1 through 13-80.16, which shall read as follows:

**ARTICLE XX. EARTHQUAKE HAZARD REDUCTION IN EXISTING
WOOD FRAME RESIDENTIAL STRUCTURES WITH
SOFT-STORY, WEAK OR OPEN FRONT WALLS**

13-80.1 Purpose

The provisions of this article are intended to promote public safety and welfare by reducing the risk of death or injury that may result from the effects of earthquakes on existing wood frame multi-unit residential structures with soft-story, weak or open front walls. The minimum standards contained in this Article shall substantially improve the seismic performance of these residential buildings, but will not necessarily prevent all earthquake damage. When fully followed, these standards will strengthen the portion of the structure that is most vulnerable to earthquake damage. This Article does not require alteration of existing electrical, plumbing, mechanical, or fire safety systems unless they constitute a hazard to life or property.

13-80.2 Scope

The provisions of this Chapter shall apply to all existing wood frame multi-unit residential buildings or portions thereof that contain five or more dwelling units that were permitted for construction prior to December 17, 1985, where the ground floor portion of the wood frame structure contains parking or other similar open floor space that causes soft, weak, or open wall lines as defined in this Chapter, and having one or more levels above the ground floor. These buildings are hereinafter referred to as "soft-story" construction.

The provisions of this Chapter shall apply equally to apartment buildings and condominiums. Buildings listed on national, state or local historical registers shall also comply with the provisions of this Chapter. At the Building Official's discretion, modifications to the code requirements contained in this Chapter may be permitted when such modifications are consistent with the provisions of the State Historical Building Code.

13-80.3 Findings and intent.

- (a) The City of Alameda is located within Design Category D & E, as defined in the 2007 California Building Code.
- (b) The City Council desires to lessen the risks to life and property of the residents of the City of Alameda posed by a major earthquake along the Hayward Fault.
- (c) Buildings with soft, weak or open front ground floor stories are recognized by engineers, and other seismic safety experts, as having potential for sustaining serious damage including collapse, in the event of strong earthquakes.
- (d) Neither the International Building Code nor the California Building Standards Code contains provisions governing the earthquake retrofit of soft-story residential buildings.
- (e) In 2006, the International Code Council published the second edition of the International Existing Building Code (IEBC). Chapter A4 of that Code, entitled "Earthquake Hazard Reduction in Existing Wood-Frame Residential Buildings with Soft, Weak, or Open-Front Walls", which is the basis for this chapter.
- (f) In 2005, California Health and Safety Code sections 19162 and 19163 were amended to expressly authorize local jurisdictions the authority to adopt by ordinance, retrofit standards for soft-story residential buildings that comply with a nationally recognized model code relating to the retrofit of existing buildings or substantially equivalent standards.
- (g) The current nationally recognized model code for the retrofit of soft-story residential buildings is Appendix Chapter A4 of the 2006 IEBC. The provisions of this chapter, as amended by this ordinance, comply with or are substantially equivalent to Appendix Chapter A4 of the IEBC.
- (h) These codes are not intended to provide structural performance equivalent to that provided by new construction built to the current City Building Code, rather these codes identify and provide for improving the structure's more vulnerable portions and, if identified improvements are made, can be expected to substantially reduce the likelihood of excessive building drift or collapse and substantially lessen the loss of human life.

(i) The establishment of an inventory of soft-story buildings and the notification of owners and residents is a necessary first step in developing a mitigation program and will provide the basis for obtaining input from affected parties for any future mandatory retrofit program.

(j) Although the general vulnerability of such buildings is known, determining the seismic adequacy of each of the structures and the appropriate elements of a retrofit to remedy vulnerabilities requires a detailed evaluation by a licensed engineer.

(k) Such an evaluation is also necessary for the City to identify fully the risks to the city and its inhabitants and to determine the feasibility of programs to address the vulnerabilities.

(l) This ordinance requires the establishment of an inventory of potentially hazardous, wood frame, multi-unit (5 units or more) residential structures with soft-story, weak or open front walls; provides for notification of the owners, residents, and users of such buildings; adopts Appendix Chapter A4 of the 2006 IEBC and requires owners to provide analysis of their building's seismic adequacy.

13-80.4 Adoption and modifications of Chapter A4 of the 2006 IEBC.

Chapter A4 of the 2006 International Existing Building Code ("IEBC"), as published by the International Code Council is hereby adopted by reference, except where this chapter provides alternative language. For purposes of this Chapter, the standards in the IEBC shall be used for the analysis of seismic weakness and to formulate the elements of work required remedying any identified weaknesses.

13-80.5 Inventory of Potentially Hazardous Soft-Story Buildings.

Multi-unit wood frame residential buildings with five or more residential units identified by a survey conducted by the City as containing a Soft, Weak, or Open Front Ground Floor shall be defined and or designated as soft-story buildings and placed on the Inventory of Potentially Hazardous Soft-Story Buildings. The Inventory of Potentially Hazardous Soft-Story Buildings shall be maintained and revised as necessary by the Building Official. A copy shall be available for inspection in the office of the Building Official.

13-80.6 Notification of Owners and administration

(a) **Contents of Notice and Order.** When the Building Official determines that a building is within the scope of this Chapter, the Building Official shall issue a Notice and Order as provided herein. The Notice and Order shall specify that the building has been determined by the Building Official to be within the scope of this Chapter, placed on the Inventory of Potentially Hazardous Soft-Story Buildings, and, therefore, is required to meet the seismic analysis and other provisions of this Chapter. The Notice and Order shall set forth the owner's obligations under this chapter, the time limits for compliance, and appeal rights. The Building Official's determination shall be final at the end of 60 days unless a timely appeal is filed as provided below.

(b) **Service of Notice and Order.** The Notice and Order shall be in writing and may be given either by personal delivery thereof to the owner or by deposit in the United States Mail in a sealed envelope, postage prepaid, addressed to the owner of the property as shown on the last equalized assessment roll of the county, or as known to the Building Official, as well as to the following, if known or disclosed from official public records: the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure to serve any person required herein to receive service shall not invalidate any proceeding hereunder as to any person duly served or relieve any such person from any duty or obligation imposed by the provisions of this section.

13-80.7 Appeal of Notice and Order to Building Official

Any person entitled to service of notice under Section 13-80.6 (a) may request the Building Official to reconsider a determination to include a building on the Inventory of Potentially Hazardous Soft-Story Buildings by submitting information that the building's ground floor is not soft, weak, or open as defined by the applicable standard, that the building has been substantially reconstructed in accordance with the 1977 or later Uniform Building Code. The appeal to the Building Official shall be filed within 60 days from the date of the service of such Notice and Order of the Building Official.

13-80.8 Appeal of Decision of Building Official

(a) Any person entitled to service of notice under Section 13-80.6 (a) may appeal the decision of the Building Official to the Housing and Building Code Hearing and Appeals Board (Board) by filing a written Application for Appeal Hearing with the Secretary of the Board within ten (10) days of service of the Building Official's determination under Section 13-80.7.

(b) The fee for filing an appeal shall be established by resolution of the City Council. The appeal fee shall be required at the time that the appeal is filed. Appeal forms shall not be accepted without the appropriate appeal fee.

(c) The appeal shall contain the following information:

1. The specific identification of the subject property.
2. The name, address, telephone number, date and signature of all appellants.
3. The appellant(s)' legal interest in the property.
4. A statement in ordinary and concise language of the grounds for the appeal and all material facts in support thereof.
5. The address to which all notices shall be sent.
6. The verification under penalty of perjury of at least one (1) appellant as to the truth of the matters stated in the appeal.

- (d) The Secretary to the Board shall serve, or cause to be served, a written Notice of Hearing in the United States Mail, postage prepaid, certified, return receipt requested, addressed to all appellants at the address designated in the Application for Appeal Hearing. Such notice shall be served at least ten (10) days prior to the time set for the hearing. The Notice of Hearing shall contain the date, time and place of the hearing. Service shall be deemed complete on the fifth day after service.
- (e) The Secretary of the Board shall set a date for a hearing not less than ten (10) days nor more than sixty (60) days from the service of the Notice of Hearing, unless the Board determines good cause exists for an extension of time.
- (f) The Board or employee, upon giving notice of aforesaid, shall file an affidavit or declaration certifying the date of mailing the Notice of Hearing, and file it in the records of the Building Official.
- (g) Failure of the person filing the appeal to appear at the hearing after notice has been served shall be deemed a waiver of the hearing.
- (h) The Board shall determine whether the building is a soft-story building.
- (i) The Board shall prepare a written Statement of Decision, which shall contain findings of fact for each decision of the Board.
- (h) The Secretary of the Board shall serve, or cause to be served, a copy of the decision of the Board on the owner any person entitled to service of notice under Section 13-80.6 (a).

13-80.9 Analysis of structural seismic adequacy.

Within 18 months of the date of service of the notice of inclusion on the Inventory of Potentially Hazardous Soft-Story Buildings, the owner of each building on the Inventory of Potentially Hazardous Soft-Story Buildings shall submit an Initial Screening and a detailed seismic engineering evaluation report prepared by a qualified California licensed structural or civil engineer that analyzes the structural ability of the building to resist the seismic effects of earthquakes and the extent to which the building meets the standards for structural seismic adequacy as set forth in Appendix Chapter 4 of the 2006 IEBC, as modified by this ordinance, identifies any hazardous exterior design elements, describes the elements of work needed to remedy the identified weaknesses, and provides other relevant information as requested by the Building Official. This Chapter does not require the retrofit of any building and does not require the submittal of plans of the type required with an application for a building permit. The purpose of the analysis is to investigate the structural systems of a building that resist forces imposed by earthquakes and to determine if any individual portion or combination of these systems is inadequate to prevent a collapse or partial collapse or other damage hazardous to life.

13-80.10 Earthquake-Actuated Gas Shutoff Valve

Within 60 days of the date of service of the notice of inclusion on the Inventory of Potentially Hazardous Soft-Story Buildings, the owner of each building on the Inventory of Potentially Hazardous Soft-Story Buildings shall install an earthquake-actuated gas shutoff valve certified by the State Architect as conforming to California Referenced Standard 12-16-1 contained in the 2007 California Referenced Standard Code.

13-80.11 Fees

(a) **Engineering Report Review Fees.** Engineering report review fees shall be established by resolution of the City Council. Review fees shall be reduced as follows: 100% for qualifying reports submitted within 3 months of the date of service of the notice of inclusion on the Inventory, 75% for qualifying reports submitted within 6 months of the date of service of the notice of inclusion on the Inventory, 50% for qualifying reports submitted within 9 months of the date of service of the notice of inclusion on the Inventory, and 25% for qualifying reports submitted within 12 months of the date of service of the notice of inclusion on the Inventory of Potentially Hazardous Soft-Story Buildings.

(b) **Plan Review and Inspection Fees.** Plan review and inspection fees shall be established by resolution of the City Council. All plan review and inspection fees shall be waived for soft-story retrofit projects for which permits are issued prior to 18 months of the date of service of the notice of inclusion on the Inventory of Potentially Hazardous Soft-Story Buildings.

13-80.12 Owners' and tenants' obligations.

(a) **Obligation of owners to notify tenants and post building.** Within 18 months of the date of service of the notice of inclusion on the Inventory of Potentially Hazardous Soft-Story Buildings, the owner of each building on the Inventory of Potentially Soft-Story Buildings shall;

1. Notify each tenant in writing and notify each new tenant at a change of tenancy, that the building is included on the Inventory of Potentially Soft-Story Buildings.
2. Post in a conspicuous place within five feet of each main entrance of the building, and maintain until the building is removed from the Inventory of Potentially Soft-Story Buildings, a clearly visible warning sign not less than 8" by 10" the following statement, with the first two words printed in 50-point bold type and the remaining words in at least 30-point type:

“Earthquake Warning. This is a soft-story building with a soft, weak, or open front ground floor. Occupants and Visitors may not be safe inside or near such buildings during an earthquake.”

3. Mail, within thirty (30) days of service, a copy of each tenant notification form in compliance with this section and a completed proof of service addressed to: Building Official, Planning and Building Department, 2263 Santa Clara Ave, Alameda, CA 94501.

(b) **Obligations of tenants to cooperate.** Each tenant of a building on the Inventory of Potentially Hazardous Soft-Story Buildings shall cooperate with the owner and the owner's agents, including but not limited to engineers, contractors, and inspectors, to accomplish the required analysis. In so doing, tenants shall allow reasonable access to the building and their unit or space as needed and as permitted by California Civil Code Section 1954.

13-80.13 Removal of building from the inventory.

A building shall be removed from the inventory under the following circumstances:

- (a) A determination by the Building Official that the building does not contain a Weak, Soft, or Open Front Story and meets the applicable standards; or
- (b) The satisfactory completion of a seismic retrofit and appropriate inspections bringing the Soft, Weak, or Open Front Story of the building up to the requirements of the applicable standards of Chapter A4 of the 2006 IEBC; or
- (c) A determination by the Building Official or a decision on appeal that the building is not a building with Soft, Weak, Or Open Front Stories; or
- (d) Lawful demolition of the building.

13-80.14 Compliance schedule for submittal of seismic analysis.

(a) **Deadlines.** All owners of potentially hazardous soft-story buildings shall submit the required analysis of structural seismic adequacy in accordance with this Chapter no later than 18 months from notice by the City.

(b) **Acceleration of deadline.** Notwithstanding subdivision (a) of this section, this deadline shall be accelerated, and the owner shall submit the required analysis of structural seismic adequacy, whenever any one or more of the following occurs:

1. The building will undergo a remodel, alteration, addition or structural repairs valued at more than \$100,000, except for repairs found by the Building Official to be required for routine maintenance or emergency.
2. The use of the building changes such that Section 110 of the 2007 California Building Code applies.

3. The building is identified by the Building Official as an Unsafe Building as defined in Section 115 of the 2007 California Building Code or AMC Section 13-10.2.4.

(c) **Extensions of deadline.** The Building official may extend the deadline for the required analysis by up to six (6) months if the owner submits to the Building Official a detailed written statement requesting the extension, explaining why it should be granted and clearly documenting the reasons therefore in accordance with the requirements of this part.

Extensions granted under this part shall not extend deadlines for correction of any other violations of any other ordinances.

(d) **Required findings.** In order to grant an extension, the Building Official must find that:

1. The building does not present an imminent threat to life safety of occupants or the public, based on a report from a California licensed structural or civil engineer;

2. The owner has demonstrated there are unique and exceptional circumstances that prevent compliance.

13-80.15 Fifteen year exemption for retrofitted buildings

Any building, or any portion of a building that is identified under this Chapter as being a Potentially Hazardous Soft, Weak, Open Front Story Building and is retrofitted in compliance with the applicable standards or the City of Alameda Building Code shall not, within a period of 15 years, be identified as a Potentially Hazardous Soft-Story Building because of a Soft, Weak, or Open Front Story pursuant to any local building standards adopted after the date of the building retrofit unless such building no longer meets the standards under which it was retrofitted.

13-80.16 Violation and remedies.

(a) It shall be unlawful for any person, business or corporation to maintain, use or occupy a building that is not in compliance with the requirements of this Chapter. For purposes of this section, any person includes an owner, lessor, sublessor, manager, or person in control of a building subject to this Chapter, but shall not include tenants in residential units.

(b) All remedies available to the City for correcting violations of any other Chapter in this Code shall be available to remedy violations of this Chapter. The remedies described herein are cumulative and in addition to any other remedies available for violation of this Chapter.

Section 2. The Alameda Municipal Code is amended by adding Section 30-7.12. (c) Reduction in Parking Requirements for Existing Facilities of Chapter XXX, Development Regulations to read as follows:

30-7.12 Reduction in Parking Requirements for Existing Facilities

(c) Additional parking spaces serving existing multi-family dwellings may be eliminated from properties with five (5) or more units, with the approval of the Planning and Building Director, if needed to seismically retrofit these structures to meet health and safety requirements.

Section 3. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council of the City of Alameda hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 4. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance hereby adopted, to the extent of such conflict only, are hereby repealed.

Section 5. The City Clerk of the City of Alameda is hereby directed to cause this ordinance to be published in the Official Newspaper of the City of Alameda.

Section 6. This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect 30 days after the date of its final passage and adoption.

Presiding Officer of the City Council

Attest:

Lara Weisiger, City Clerk
City of Alameda

* * * * *

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by Council of the City of Alameda in regular meeting assembled on the 3rd day of March, 2009 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 4th day of March, 2009.

Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA

Memorandum

To: Honorable Mayor and
Members of the City Council

From: Debra Kurita
City Manager

Date: March 3, 2009

Re: Hold a Public Hearing to Consider an Appeal of the Historical Advisory Board's Denial of a Request to Remove 2413 Buena Vista Avenue from the Alameda Historical Building Study List and Denial of a Certificate of Approval to Allow Demolition of the Structure

BACKGROUND

The property at 2413 Buena Vista Avenue is part of a multi-parcel project proposed at the northeast corner of Park Street and Buena Vista Avenue that also encompasses 1700, 1708, and 1716 Park Street. The proposal includes partial demolition of structures on Park Street, construction of a new commercial building, and demolition of the building on Buena Vista for redevelopment as a parking lot. Entitlements requested for this project include Major Design Review approval, a request to remove 2413 Buena Vista Avenue from the Historical Building Study List, and a Certificate of Approval to demolish the single-family dwelling at 2413 Buena Vista Avenue.

DISCUSSION

The Historical Advisory Board (HAB) considered a request to remove 2413 Buena Vista Avenue from the Historical Building Study List at its meetings on November 20, 2008, and December 4, 2008. The Certificate of Approval to allow demolition of the structure was considered on February 5, 2009. Initially the Applicant was advised that only a request to remove the site from the Historical Building Study List was required for plans to demolish the structure at 2413 Buena Vista Avenue. A subsequent opinion from the City Attorney clarified the need for a Certificate of Approval to allow demolition. For that reason, these two applications were considered separately and on different dates.

At the HAB's November 20, 2008, meeting, several members of the public gave testimony on the request to delete the site from the Historical Building Study List. One member of the public gave a slide presentation showing the restoration of a building in a condition similar to the subject building. Other members stated that the building was important to the context of the neighborhood and noted that retention of the structure would help keep the character of the neighborhood intact.

**City Council
Public Hearing
Agenda Item #6-A
03-03-09**

Other speakers expressed their desire to see this older building kept on the Historical Building Study List and questioned the criteria used to support removal of the site from the study list. One person commented on the North of Lincoln Plan and stated that removal of the building would allow the proposed project to move forward, which was vital for the revitalization of the area. Another questioned how many parking spaces would be needed for the new project and if removal of the house was being driven by the parking requirements of the code.

Following public comment, the Board members began their deliberations. They noted that the lack of a prominent architect, designer, builder or inhabitant was not sufficient reason to approve removal of the site from the study list. Comments were also made concerning the condition of the house and that it displayed signs of neglect. However, they pointed out that the building still had architectural features and woodwork that were worthy of retention. The Board members also had questions concerning the criteria by which the applicant's historic preservation consultant had evaluated the property, and about efforts to make it available for relocation. A motion to continue consideration of the request for a period of 90 days to allow time for the property owner to make the house available for relocation failed for lack of a second. Other questions centered on how this site fits in with the overall plan for the larger project.

The Applicant's representative responded to the public's and Board members' comments, noting that the structure had been evaluated for restoration in hopes of integrating it into the new project, but it was not economically feasible. She noted too that the owner would be willing to give the house away for relocation or make parts of the house available for use in the restoration of other houses.

At the end of their deliberations, the Board members requested an opinion from the City Attorney on whether a Certificate of Approval would be required to demolish the building even if the site were removed from the Historical Building Study List, given that it was constructed prior to 1942. The item was continued to the next meeting in order to obtain an opinion from the City Attorney. At the December 4, 2008 HAB meeting, staff reported the City Attorney had advised a Certificate of Approval would be required to demolish the building because it was constructed prior to 1942.

At this meeting, Board members acknowledged that there may be economic reasons to support removal of the structure from the study list, but these reasons were beyond the Historical Advisory Board's scope. The Board members agreed that the structure retained its original style and this, coupled with the age of the building, supported retention of the site on the study list. At the conclusion of this discussion, the Board voted unanimously (3-0) to deny the request based on the following finding:

The Board finds that 2413 Buena Vista Avenue shall remain on the City of Alameda's Historical Building Study list because this building embodies a distinctive architectural resource as an example of the Queen Anne cottage style. The building retains the majority of its distinguishing characteristics

including form, drop siding, fish scale shingles, ornamental wood trim and double hung wood windows. It is not a requirement of the study list or of the National Register that a building be either a rare example or an outstanding example of a particular style.

Furthermore, the building shall remain on the study list because it is a part of a group of structures of particular historic significance to the City. This group includes the row of buildings on the same side of this block of Buena Vista Avenue and the row of buildings directly across the street. Although this setting has been compromised by the removal of the adjacent building and its replacement with a parking lot the group of remaining buildings continues to exemplify the early Victorian residential development of the City.

Subsequent to this action, the property owner's representative filed an application for a Certificate of Approval for demolition. The Board considered this at its meeting of February 5, 2009. The majority of the Board noted that the reason to deny this request was the same as that used to deny deletion of the site from the Historical Building Study List. Following their discussion, the Board voted 4-1 to deny the Certificate of Approval. That decision has been appealed, and the City Council is considering that appeal along with the appeal to deny removal of the site from the Historical Building Study List. (See attachments 1 and 2.)

The Historical Building Study List is comprised of sites with structures that were determined to be significant enough for preservation. A survey of properties was started in 1978 and was conducted by City staff and volunteers who evaluated approximately 10,500 structures and sites. Criteria used in the evaluations were a combination of standards used for evaluating structures for inclusion on the National Register of Historic Places, State Historic Resources Inventory, and designation as an Alameda Historic Monument. Structures were evaluated for their architectural significance, historical significance, environmental significance or design integrity. Each structure deemed worthy of inclusion on the Historical Building Study List was assigned an alphabetical notation, which was keyed to a statement about the structure's historic significance. The property at 2413 Buena Vista Avenue has an 'S' designation, which means:

"A historic resource distinguished by its architectural, historical, or environmental significance, eligible for inclusion in the *State Historic Resources Inventory*, and of secondary priority for inclusion on the list of Alameda Historical Monuments. Many of these are also eligible for listing in the National Register of Historic Places. Others would be eligible if design integrity were restored."

For some properties the evaluation and reason for including the site on the study list was documented by completion of a California Department of Parks and Recreation Historic Inventory form. One of these forms was not completed for the subject site, and it is not possible to determine the site's historical significance.

In an effort to obtain as much information about the site and structure at 2413 Buena Vista Avenue as possible, the applicants enlisted the services of a historic preservation consultant, Page and Turnbull, who researched the history of the property and evaluated the structure for its overall historic integrity. A copy of the Page and Turnbull report is attached. In short, the evaluation by Page and Turnbull indicates the site/structure should not be listed on the Historical Building Study list for the following reasons:

- The integrity of the structure's workmanship and materials has been compromised, due to neglect, deterioration, and changes to the interior and exterior.
- The integrity of the site's setting has been compromised by changes in the neighborhood, such as replacement of the residential structure at the southern side of the site with a parking lot.
- The site is not associated with a historic event or person significant to the history of California or Alameda.
- The architect or designer of the structure is unknown.
- The structure is not an outstanding or rare example of a Queen Anne cottage style building.

The consultant gave the site a National Register of Historic Places Status Code Designation of 6Z, which indicates that the site is not eligible for inclusion on the State Historic Resources Inventory. The applicant also had the subject structure evaluated by an engineer who, in the course of inspecting the structure, identified a number of structural deficiencies including an outdated foundation, undersized floor and roof framing, and lack of shear walls. In his report, the engineer indicates that 10% - 15% of the home could be retained if necessary upgrades to the home were undertaken.

Staff evaluated the structure and found that there has been a lack of maintenance over the years, and exterior architectural elements and details have deteriorated because of this. In addition, some of the exterior details have been replaced or modified in a way that does not match the original. In a search through records available in the Planning and Building Department, no documentation was found that the site was identified with a historic event or person. Although an attempt can be made at rehabilitating this structure, the evaluation provided by the applicant's engineer indicates that less than half of the original structure would remain; thus, such an undertaking would result in the "defacto demolition" of the building. The result would be a replica of the original, but not the original structure itself, and would no longer be an historical resource. Therefore, staff recommended that the Historic Advisory Board remove 2413 Buena Vista Avenue from the Alameda Historical Building Study list.

For the same reasons, staff also recommended that the Board grant the Certificate of Approval to allow demolition. In order to grant an appeal of the Historical Advisory Board's denial of the Certificate of Approval for the demolition permit, the Municipal Code requires that the City Council make the following finding:

Based on the evidence of qualified sources, that the historical resource is incapable of earning an economic return on its value.

In its appeal, the applicant has provided estimates of the cost to restore and relocate the building on-site along with projections that suggest that these investments will not provide an economic return on the value of the structure.

FINANCIAL IMPACT

The applicant paid the appeal fee of \$100. The time and materials costs to process the appeal in excess of this amount are borne by the Planning and Building Department.

PUBLIC NOTIFICATION

This agenda item was advertised in the Alameda Journal at least ten days prior to the meeting. Notices were mailed on February 6, 2009 to residents and property owners within 300' feet of the project location, the appellants, and interested parties who have requested to be notified of upcoming hearings for this project.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

Alameda Municipal Code Section 13-21.3

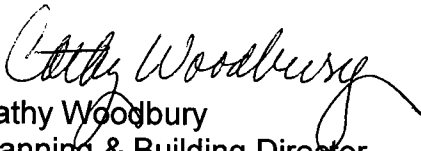
ENVIRONMENTAL REVIEW

This project is categorically exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15301 - Permitting the removal of a structure from the Historical Building Study list and demolition of a single-family dwelling in an urbanized area based on information that the structure is not a significant historical resource.

RECOMMENDATION

Find that the demolition is Categorical Exempt from CEQA and grant the Applicant's appeals, thereby approving the removal of 2413 Buena Vista from the Alameda Historical Building Study List and approving the Certificate of Approval to allow demolition of the structure.

Respectfully submitted,


Cathy Woodbury
Planning & Building Director

Approved as to funds and account,


Ann Marie Gallant
Interim Finance Director


By: Jon Biggs
Planning Services Manager

Attachments:

1. Appeal of Historical Advisory Board's December 4, 2008 Decision
2. Appeal of Historical Advisory Board's February 5, 2009 Decision
3. Page and Turnbull Report
4. Structural Evaluation by Hendrick Van De Pol, PE
5. November 20, 2008 Letter from Alameda Architectural Preservation Society
6. February 4, 2009 Letter from Alameda Architectural Preservation Society
7. Email from Edward Kearse

cc: Barbara Price
Hoi Liang Phua, Trustees



PETITION FOR APPEAL OR CALL FOR REVIEW

This petition is hereby filed as an appeal of the decision of the:

Historical Advisory Board, which
(Planning and Building Director/Planning Board/Historical Advisory Board/Appeals Board)
for application

(Denied/Granted/Established Conditions)
Removal of 2413 Buena Vista from Historical Building number PLN08-0211
(Application Type) Study List (Application Number)

at 2413 Buena Vista
(Street Address)

on December 4, 2008
(Specify Date of Action)

The basis of the appeal is:

It is Feasably impossible to perform renovations on the structure.
The structure per Page + Turnbull appraisal: "The CHRS of "GZ" assigned to
this property means that it has been found ineligible for National Register, California
Register, and local designation through survey evaluation." - attached

(If more space is needed, please attach additional sheets.)

Appellant: Hoi Ling Phua as Trustees Contact Phone: 510-633-9550
(Appellant Name(s))

Email: cb.Barbara@Pkconsultants

Address: PO Box 10664, Oakland 94611
(Appellant Address)

Alameda Municipal Code (AMC) 30-25, Appeals and Calls for Review, provides that within ten (10) days a decision of the Planning Director or Zoning Administrator may be appealed to the Planning Board, and decisions of the Planning Board or Historical Advisory Board may be appealed to the City Council. In addition to the appeal process, decisions of the Planning Director or Zoning Administrator may be called for review within ten (10) days to the Planning Board by the Planning Board or by the City Council and decisions of the Planning Board or the Historical Advisory Board may be called for review by the City Council or a member of the City Council.

A processing fee of \$100.00 must accompany the Petition for Appeal. No fee is required for a Call for Review.

Signed: [Signature]
(Appellant Signature(s))

(For Office Use Only)

Received By: _____
Receipt No.: _____

Date Received Stamp

G:\PLANNING\FORMS & HANDOUTS\COUNTER\COUNTER PERMIT APPLICATION FORMS\APPEAL OR CALL FOR REVIEW FORM.DOC

City Council
Attachment 1 to
Public Hearing
Agenda Item #6-A
03-03-09



PETITION FOR APPEAL OR CALL FOR REVIEW

This petition is hereby filed as an appeal of the decision of the:

Historical Advisory Board, which
(Planning and Building Director/Planning Board/Historical Advisory Board/Appeals Board)
Denied for application
(Denied/Granted/Established Conditions)
Certificate of Approval to Demolish number PLN08-0211
(Application Type) (Application Number)
at 2413 Buena Vista Avenue
(Street Address)
on 2-5-09
(Specify Date of Action)

The basis of the appeal is:

It is not economically feasible to the overall proposed project
to restore the non-historic structure.
Appellant will demonstrate that it would not be possible to make
an economic return by renovating the structure.

(If more space is needed, please attach additional sheets.)

Appellant: Liang Hoi, Liang Phua as Trustees Contact Phone: 510-633-9550
(Appellant Name(s))

Email: Clo Barbara @ Pkconsultants.com

Address: P.O. Box 10664, Oakland CA 94611
(Appellant Address)

Alameda Municipal Code (AMC) 30-25, Appeals and Calls for Review, provides that within ten (10) days a decision of the Planning Director or Zoning Administrator may be appealed to the Planning Board, and decisions of the Planning Board or Historical Advisory Board may be appealed to the City Council. In addition to the appeal process, decisions of the Planning Director or Zoning Administrator may be called for review within ten (10) days to the Planning Board by the Planning Board or by the City Council and decisions of the Planning Board or the Historical Advisory Board may be called for review by the City Council or a member of the City Council.

A processing fee of \$100.00 must accompany the Petition for Appeal. No fee is required for a Call for Review.

Signed: [Signature]
(Appellant Signature(s))

(For Office Use Only)

Received By: _____

Receipt No.: _____

Date Received Stamp

G:\PLANNING\FORMS & HANDOUTS\COUNTER\COUNTER PERMIT APPLICATION FORMS\APPEAL OR CALL FOR REVIEW FORM.DOC

City Council

Attachment 2 to

Public Hearing

Agenda Item #6-A

03-03-09

**PERMIT CENTER
ALAMEDA, CA 94501**

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

PRIMARY RECORD

Primary # _____

HRI # _____

Trinomial _____

NRHP Status Code _____

Other Listings _____

Review Code _____

Reviewer _____

Date _____

Page 1 of 5 *Resource name(s) or number (assigned by recorder) 2413 Buena Vista Ave.

P1. Other Identifier: _____

*P2. Location: ☐ Not for Publication ☒ Unrestricted

*a. County: Alameda

*b. USGS 7.5' Quad: Oakland East, Calif.

Date: _____

*c. Address: 2314 Buena Vista Ave.

City: Alameda

Zip: 94501

d. UTM: Zone: 10

mE/

mN (G.P.S.)

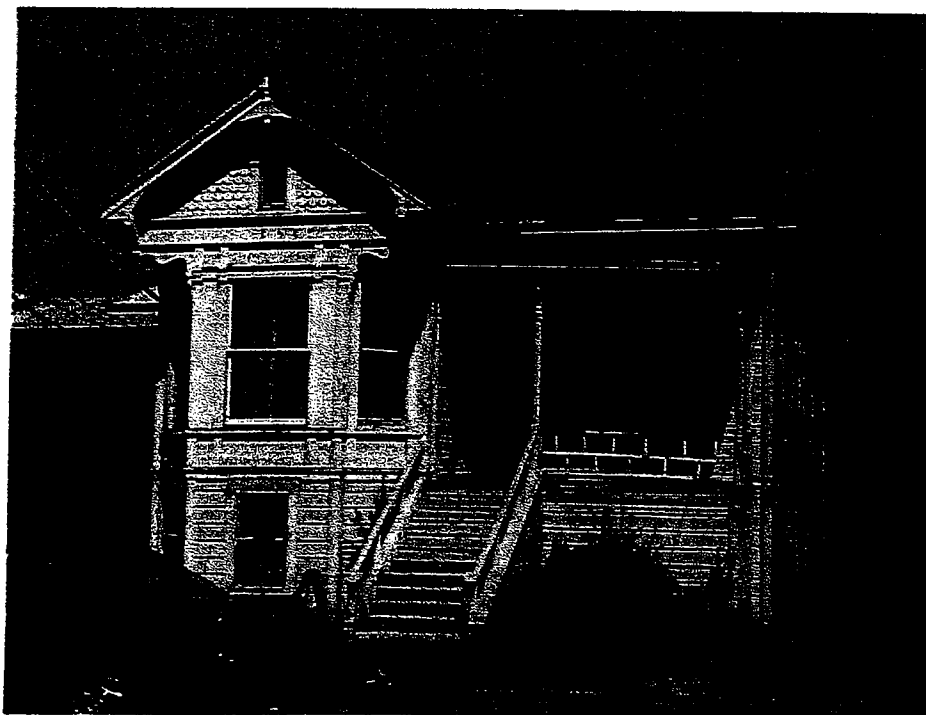
e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 70-192-20

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)

2413 Buena Vista Avenue is located on a rectangular lot on the northeast side of Buena Vista Avenue, between Park and Everett streets. Built in 1890, 2413 Buena Vista Avenue is a 1-story over raised basement wood-frame residence designed in the Queen Anne Cottage style. The irregular-plan building, clad in channel-drop wood siding, is capped by a combination hip and gable roof covered in asphalt shingles. The foundation and the chimney are brick. Entrances include a paneled partially-glazed wood door. The primary facade includes 2 structural bays. Typical fenestration consists of double-hung wood-sash windows and one single-hung vinyl-sash window; some windows are set into an angled window bay. (Continued)

*P3b. Resource Attributes: (list attributes and codes) HP2. Single Family Residence

*P4. Resources Present: ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other



P5b. Photo: (view and date)

Primary (southwest) façade of
2413 Buena Vista Ave.

09/10/2008

*P6. Date Constructed/Age and
Sources: ☒ Historic

1890

George C. Gunn, *Documentation
of Victorian and Post Victorian
Residential and Commercial
Buildings, 1854-1904*

*P7. Owner and Address:

Bill Phua

P.O. Box 10664

Oakland, CA 94610

*P8. Recorded by:

Page & Turnbull, Inc. (CB/RS)

724 Pine Street

San Francisco, CA 94108

*P9. Date Recorded:

09/17/2008

*P10. Survey Type:

Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none") None

*Attachments: ☐ None ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☒ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling
☐ Artifact Record ☐ Photograph Record ☐ Other (list)

DPR 523A (1/95)

City Council
Attachment 3 to
Public Hearing
Agenda Item #6-A
03-03-09

State of California & The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary#

HRI #

Trinomial

Page 2 of 5

*Resource Name or # (Assigned by recorder) 2413 Buena Vista Ave.

*Recorded by: Page & Turnbull

*Date 09/17/2008

☒ Continuation ☐ Update

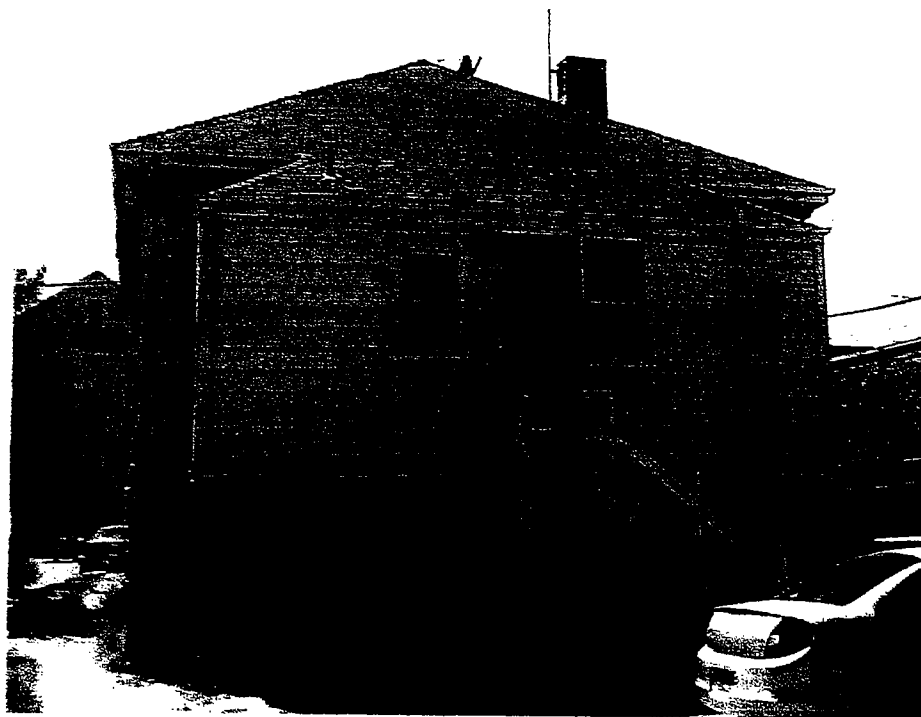
P3a. Description, continued.

The primary entrance features wood stairs that lead to the front porch and the front door, a wood porch railing, turned porch posts topped with molded brackets, a molded door surround, and a frosted glass porch light. Other architectural and site features include molded window surrounds and window panels; and metal gutters, traces of a stickwork frieze, pierced brackets, and a simple cornice at the roofline. The front-facing gable end, clad in fishscale shingles, contains a fixed wood-sash window with molded surround, raked molding, and a dropped molded ornament. Elaborate shaped brackets appear to support the gable end.

The rear façade features a projecting second floor supported by wood posts and clad in channel-drop wood siding. It is accessed via a wood staircase, which leads to a paneled wood door on the second story. This door is usually boarded up. Typical fenestration consists of small fixed wood-sash windows. The addition has minimal ornamentation and does not have brackets or a cornice at the roofline. At the rear, the basement is open to the back yard, which is currently used as an unpaved parking lot. A narrow wooden porch runs along the basement level.

The interior of 2413 Buena Vista Avenue features the original room configuration and a variety of finishes, most non-original. Floors are covered in linoleum or shag carpet. Some walls have wood wainscoting with sheetrock above; other walls are almost entirely sheetrock with wood baseboards below and/or crown molding above. Ceilings are of sheetrock. Windows and doorways feature molded surrounds. All doors and some door hardware appear to be original. Notable interior features include a wood mantelpiece with decorative brackets and carving, and a bathtub enclosed by boards. The basement level is not habitable.

The building appears to be in fair condition. The interior walls and ceiling are cracking in some areas, and a section of plaster in the living room has fallen to the floor. Much of the stickwork frieze has been removed, and the porch is significantly deteriorated.



Rear (northeast) façade of 2413 Buena Vista Ave.
Source: Page & Turnbull

BUILDING, STRUCTURE, AND OBJECT RECORD

Page 3 of 5

*NRHP Status Code 6Z

*Resource Name or # (assigned by recorder) 2413 Buena Vista Ave.

B1. Historic name: None
B2. Common name: 2413 Buena Vista Ave.
B3. Original Use: Residential
B4. Present use: Vacant
*B5. Architectural Style: Queen Anne Cottage

*B6. Construction History: (Construction date, alterations, and date of alterations)
1890: Constructed. 1941: Building reroofed. 1958: Building reroofed; gutters installed or repaired. 1992: Plumbing work completed. Small rear addition added between 1905 and 1948, per Sanborn maps.

*B7. Moved? ☒ No ☐ Yes ☐ Unknown Date: _____ Original Location: _____

*B8. Related Features:

B9a. Architect: Unknown b. Builder: J. L. Etward

*B10. Significance: Theme None Area: N/A
Period of Significance N/A Property Type Residential Applicable Criteria N/A
(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity)

2413 Buena Vista Avenue was constructed in 1890 as a single-family residence for Mrs. Ida W. Hegelund. J. L. Etward constructed the building at a cost of \$1,200. 2413 Buena Vista Avenue stands a half-block away from Park Street, which began developing as a commercial district in the mid-1860s as a result of railroad construction. (Continued)

B11. Additional Resource Attributes: (List attributes and codes) _____

*B12. References:

- "Alameda, Cal." map (Alameda: The Alameda Semi-Weekly Argus, 1888).
 - Building permits, City of Alameda Permit Center.
 - City Directories, 1889-90, 1892, 1918, 1921, 1930, 1940.
 - Greta Dutcher and Stephen Rowland, *Alameda* (San Francisco: Arcadia Publishing, 2005).
 - "Entrance to San Francisco Bay, California, Survey of the Coast of the United States (Coast Survey Office, 1859); accessed through the David Rumsey Map Collection.
- (Continued)

B13. Remarks:

*B14. Evaluator: Cara Bertron and Rich Sucré,
Page & Turnbull, Inc.

*Date of Evaluation: September 2008

(This space reserved for official comments.)

Sketch Map



State of California & The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary#

HRI #

Trinomial

Page 4 of 5

*Resource Name or # (Assigned by recorder) 2413 Buena Vista Ave.

*Recorded by: Page & Turnbull

*Date September 2008

☒ Continuation ☐ Update

B10. Significance (Continued)

2413 Buena Vista Avenue was built in 1890. The 1897 Sanborn map shows the building as a 1-story over basement dwelling. A small 1-story auxiliary building stands at the rear of the lot. At that time, the subject block and the blocks to the southwest comprised a relatively well-developed residential neighborhood. The subject block held five houses, the block facing 2413 Buena Vista Avenue was built out with five single-family residences and two joined duplexes, and the adjacent blocks of Buena Vista Avenue and Foley Street held some single-family houses. In contrast, Park Street northeast of Buena Vista Avenue was sparsely developed, except for a dwelling on the corner lot, and a nursery and boarding house across the street. Half a block southwest of the Park-Buena Vista intersection, a row of small stores stood next to a few single-family dwellings, a warehouse, a hotel, and stables. The other side of the street held a social hall, a boarding house, and several stores.

The 1948 Sanborn map shows the footprint of 2413 Buena Vista Avenue almost unchanged, with a small addition to the rear northwest corner, and the rear auxiliary building still standing. By this time, the subject block was filled in with 7 residences, and the blocks to the south and southwest were almost fully developed with residences. The stretch of Park Street around the intersection of Buena Vista Avenue held many auto-related industries such as sales, service, and parking lots, along with a few other commercial and industrial uses.

By 1987, 2413 Buena Vista Avenue and its rear auxiliary building appear unchanged on the Sanborn map. A parking lot replaced the building to the south of 2413 Buena Vista Avenue. The surrounding neighborhood remained residential, and Park Street retained its light industrial auto-focused businesses.

In February 1890, Ida W. Hegelund purchased the subject property from Geraldine Clement, whose family had owned the land since 1873. Hegelund constructed the subject house in 1890 and owned the property until her death in April 1902. Hegelund's estate held the property for 27 years. In August 1929, estate executrix Sorine E. Cox transferred the property to John McMullin, who had lived in the house since at least 1920, likely as a renter. The property remained in the McMullin family until 2007, when it was sold to the Phua-Lee Family Living Trust.

2413 Buena Vista Avenue features few alterations. A small addition was added to the northwest corner of the house prior to 1948, perhaps when the kitchen was modernized. Though the building is currently vacant, it is still configured for residential use. Therefore, it retains integrity of design, association, and feeling. Because the building has not been moved, it also retains integrity of location. Although the house remains in a residential neighborhood close to a commercial district, it is flanked by an auto service building and a parking lot. Therefore, the building's integrity of setting has been compromised. Integrity of workmanship and materials also have been compromised, as many of the interior finishes have been altered or replaced, some exterior trim is deteriorated or missing, and one window has been replaced with a vinyl-sash window. Overall, the building retains historic integrity.

Per the City of Alameda Historical Building Study List Design Integrity criterion, 2413 Buena Vista Avenue appears to have a moderate degree of design integrity, defined as "alterations which have been made over time to the original materials and design features of the resource." As discussed above, the building retains integrity of overall design, but its integrity of workmanship and materials have been compromised by deterioration and alterations. Therefore, 2413 Buena Vista Avenue appears to retain design integrity; however, this alone is not sufficient to qualify the building for inclusion on the Historical Building Study List.

2413 Buena Vista Avenue does not appear to be associated with events that have made a significant contribution to the broad patterns of our history such that it would be eligible for local, state, or national designation under National Register Criterion A (California Register Criterion 1, or the City of Alameda's Historical Significance criterion). The house stands adjacent to the Park Street commercial corridor, which began developing as the Town of Alameda's business district when Alameda's first commuter railroad, Cohen's Line, located a station on Lincoln Avenue at Park Street in the early 1860s. The 1859 coast survey map shows almost no development in that stretch of Park Street. Cohen's Line was completed in the early 1860s, and the Alameda Station homestead was subsequently platted between Harrison and Webb avenues and Park and Everett streets. An 1888 map shows considerable development along Park Street and in the Alameda Station Homestead residential area, with rows of small residences concentrated along the railroad line. 2413 Buena Vista Avenue was built in 1890, well after the initial railroad-related growth of the 1860s and 1870s. Therefore, the house's association with the railroad and subsequent development is not significant.

2413 Buena Vista Avenue does not appear to be associated with any persons significant to the history of the State of California or the City of Alameda such that it would be eligible for local, state, or national designation under National Register Criterion B (California Register Criterion 2, or the City of Alameda's Historical Significance criterion). Neither Ida W. Hegelund nor any members of the McMullin family appear to be significant figures in local, state, or national history. (Continued)

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # _____

HRI # _____

Trinomial _____

Page 5 of 5

*Resource Name or # (Assigned by recorder) 2413 Buena Vista Ave.

*Recorded by: Page & Turnbull

*Date September 2008

☒ Continuation

☐ Update

B10. Significance (Continued)

Hegelund was a Danish immigrant who was 44 when 2413 Buena Vista Avenue was built in 1890. In 1880, her husband J. R. Hegelund worked as an oyster dealer, and Mrs. Hegelund kept house; they lived at 190-193 Park Street. By 1900, Mrs. Hegelund was widowed and living in 2413 Buena Vista Avenue with her son, daughter, and grandson. The 1920 census shows 2413 Buena Vista occupied by John and Lottie McMullin and their five children. John McMullin was employed as a cement worker; by 1930, he worked as a boilermaker in the shipyards, where two of his sons also worked at that time. Helen McMullin, John and Lottie's youngest daughter, lived in the house until 2007.

2413 Buena Vista Avenue does not appear eligible for local, state, or national designation under National Register Criterion C (California Register Criterion 3, or the City of Alameda's Architectural Significance criterion) as an outstanding example of a period, type, style, or method of architecture, or the notable work of a master builder, designer, or architect. It is designed in the Queen Anne Cottage style, a derivative of the Queen Anne style popular among the elite of the late 19th century. The Queen Anne style is characterized by its variety of features and combination of ornamentation. Typical features of the Queen Anne style include steeply-pitched roofs, irregular rooflines, gable projections, cutaway bay windows, asymmetrical compositions, and swag and garland appliques. The result of this fusion of ornamentation and composition was a highly textured and varied residence.

2413 Buena Vista Avenue features the projecting gable, window bay, asymmetrical composition, and varied siding typical of Queen Anne residences. Some of its ornamentation is intact, and the house retains enough features to convey that it was built in the Queen Anne Cottage style in the late 19th century. However, the ornamentation that characterizes Queen Anne-style buildings has severely deteriorated on the house, and some ornamentation has been removed. The architect is unknown. The design, materials, and method of construction do not appear unique among residential buildings of the same type, size, and era in Alameda. Overall, 2413 Buena Vista Avenue does not appear to be an outstanding or rare example of the Queen Anne Cottage style in Alameda.

Per the City of Alameda Historical Building Study List Environmental Significance criterion, 2413 Buena Vista Avenue does not appear to achieve environmental significance, defined as "the continuity or character of a street or neighborhood with a historical resource's setting on the block, its landscaping, and its visual prominence as a landmark or symbol of the city, neighborhood, or street." The building was originally abutted by two single-family dwellings that have been demolished and replaced by an auto service center and a parking lot. As a result, the blockface lacks continuity, and the residential character of the block has been diminished. 2413 Buena Vista does not boast outstanding landscaping or visual prominence as a landmark or local symbol. Therefore, 2413 Buena Vista Avenue does not appear to qualify for inclusion on the Historical Building Study List under the Environmental Significance criterion.

The CHRSC of "6Z" assigned to this property means that it has been found ineligible for National Register, California Register, and Local designation through survey evaluation. This property was not assessed for its potential to yield information important in prehistory or history, per National Register Criterion D (California Register Criterion 4).

B12. References (Continued)

- Virginia & Lee McAlester, *A Field Guide to American Houses* (New York: Alfred A. Knopf, 2002).
- George Gunn, conversation with author, September 10, 2008, Alameda.
- George C. Gunn, *Documentation of Victorian and Post Victorian Residential and Commercial Buildings, City of Alameda, 1854-1904* (Alameda: Alameda Historical Museum, 1985).
- "Map of Alameda, California. East Sheet" (Oakland: Thompson & West, 1878); accessed through the David Rumsey Map Collection.
- "Map of the City of Oakland: Berkeley, Oakland, and Brooklyn, Townships; and Alameda" (San Francisco: H. S. Crocker & Co., 1891).
- Imelda Merlin, *Alameda: A Geographical History* (Alameda: Friends of the Alameda Free Library, 1977).
- Property transaction history.
- Sanborn maps, 1897, 1905, 1932, 1948, 1987.
- United States Federal Census, 1880, 1900, 1920.

Transmittal

date: 7/17/08 Sent Via: US mail: _____
E-mail: _____
Fax: _____ Fax No.: _____
No. of pages with cover: _____

To: Bill Phua
141 Woodland Way
Piedmont, CA 94611

Project No: _____ Project: 2413 Buena Vista Avenue

Regarding: Structural Inspection for 2413 Buena Vista Avenue, Alameda, CA

Dear Mr. Phua,

As per your request, I conducted an engineering inspection of the above referenced property on June 17, 2008 to conduct a visual inspection of the foundation, framing, and general integrity of the subject residence. The residence is 118 years old, single story wood frame, single family residence over basement, on a relatively flat lot. The foundation is brick.

During our inspection I observed the following:

1. The entire foundation system is outdated, and does not appear to be reinforced with steel or concrete. Visible brick is failing and deteriorating.
2. There were no visible anchor bolts or shear wall system tying the house to the foundation. There are no shear walls anywhere.
3. The floor framing and roof framing system is undersized and the finished floors are uneven.
4. There is a lack of proper grading and drainage, especially at the rear.
5. Basement floor is cracked and uneven throughout.
6. Interior plaster walls and ceilings are cracked and falling apart throughout the house.
7. Plumbing fixtures and appliances are in poor condition and possibly unsafe.
8. Plumbing walls are rotting from leaking pipes.
9. Windows are in poor condition and generally do not operate.
10. Exterior siding is in poor condition.
11. Roofing and gutters appear to be old and failing.
12. The operational heating system consists of one gas heater in front of the fireplace.
13. The front deck is failing and is unsafe to walk on. None of the stair railings meet current code requirements.

Structural Recommendations for upgrading the home:

1. Replace foundation with new concrete reinforced footings, holdowns, and anchor bolts.
2. Shear wall strengthening to cripple walls: remove and replace rotten studs and siding. Shear all walls with 1/2" plywood with 8d nails at 6/12 spacing.

**City Council
Attachment 4 to
Public Hearing
Agenda Item #6-A
03-03-09**

Hendrick Van De Pol, PE

2225 Livingston Lane, Stockton, CA 95210 (209)639-3581 License C-15472

3. Remove and replace floor framing or sister new joists to the existing to meet current code requirements. Remove and replace sub-floor with 3/4" T&G plywood with 8d nailing at 6/12. It is important to use a floor diaphragm that can transfer seismic loads to the cripple walls.
4. Remove exterior siding and replace all rotten studs. Install exterior grade, 1/2" CDX plywood for shear walls at all locations. Install 2 layers of grade "d" paper over plywood and install new or repaired siding.
5. Remove and replace roof, install roof sheathing, and upgrade roof rafters to meet current code requirements. Again, it is important to use a roof diaphragm that can transfer seismic loads to the cripple walls.
6. Remove and replace front deck in their entirety.

Additional Recommendations for upgrading the home:

1. Grading and Drainage: connect new gutter and downspouts to solid pipe to be taken to the street or rear yard. Re-grade areas adjacent to the home to slope away from the house for 1/2" per foot for 5'.
2. Replace basement floor with 5" concrete slab over visqueen, sand, and a 4" layer of drain rock.
3. At main level of house and basement, remove all wall and ceiling finishes for new electrical, plumbing, heating ducts, windows, insulation and shear walls. Repair all rotten wall framing.
4. Remove and replace all plumbing fixtures, appliances, furnaces, water heater.

You specifically asked me how much of the structure could be retained while upgrading the home. I would respond that, due to the age and condition of the home, and due to the probability of a large earthquake in the near future, I think that 10-15% of the home could remain as part of the upgraded structure.

Respectfully Submitted

Hendrick VanDePol, PE C-15472



November 20, 2008

(By Electronic Transmission)

Historical Advisory Board
City of Alameda Planning Department
2263 Santa Clara Avenue
Alameda, California 94501

Subject:—Proposed removal of 2413 Buena Vista Avenue from the Historic Building Study List

Dear Boardmembers:

The Alameda Architectural Preservation Society (AAPS) has the following comments:

1. We support the project concept of redeveloping the Cavanaugh Motors site for retail use as part of the effort to build up retail uses around the Alameda Marketplace and help revitalize the Park Street north of Lincoln area.
2. We believe that, contrary to the staff recommendation and the Page and Turnbull report, the house at 2413 Buena Vista Avenue **does** have historic significance because, as an almost entirely intact Victorian Queen Anne cottage, it does (as set forth in the Study List eligibility criteria at Section 13-21.2 of the Historic Preservation Ordinance) "...embody the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period, type or method of construction..."

In addition, the building anchors the east end of an important grouping of Victorian and early 20th century residences on the north side of Buena Vista Avenue, which balances a similar group on the south side of the street. The building thus also meets the Section 13-21.2 Study List criteria by being part of a "...group of structures of particular historic significance to the City".

Although, the building is separated from the rest of the north side group by the Marketplace parking lot, the resulting gap is not wide enough to destroy the visual linkage between this building and the other buildings on both sides of the street. On the other hand, removal of the building will significantly reduce the overall frontage length of the north side group and compromise the two-sided Victorian streetscape formed by the north and south side groups viewed together.

*P.O. Box 1677
Alameda, CA 94501
510-986-9232*

**City Council
Attachment 5 to
Public Hearing
Agenda Item #6-A
03-03-09**

If this property is considered to have no historical significance, then a substantial number (perhaps 20%) of the other buildings on the Historic Building Study List could also be considered to have no historic significance. We are concerned that removal of this building from the Study List will open a Pandora's Box threatening Study List removal of other Victorian houses.

In the recent past, buildings with less integrity and arguably less architectural interest (for example 1525 Morton Street) have been confirmed to have historical value.

3. The applicant's structural report appears to grossly overstate the amount of work needed to rehabilitate the building. The report's recommendation to remove all of the exterior siding, which is probably old growth clear heart redwood, seems ludicrous. The report's conclusion that only 10-15% of the structure would remain after rehabilitation is highly debatable. If the HAB believes that this conclusion is relevant to its decision, the report's findings should be confirmed by a second opinion from a design or construction professional with demonstrated experience with the California Historical Building Code and in the rehabilitation of old buildings.
4. Our preference would be for the building to be retained within its present block, perhaps relocated to the adjacent Alameda Marketplace parking lot (as part of a shared parking facility for the Market Place and Cavanaugh Motors Project) to form a more cohesive grouping with the Victorian residences to the east of the parking lot.

If, however, removal of the structure is indeed necessary to ensure that the Cavanaugh Motors Project has adequate parking, **we recommend that any HAB action to facilitate the building's removal include a condition that, prior to issuance of a demolition permit, the applicant make a good faith effort to find a developer to relocate the building to another site using language similar to the following developed by the City of Oakland:**

Prior to the issuance of a demolition permit

The project applicant shall make a good faith effort to relocate the building located at **insert project location** to a site acceptable to the Planning and Zoning Division and to the Oakland Cultural Heritage Survey. Good faith efforts include, at a minimum, the following:

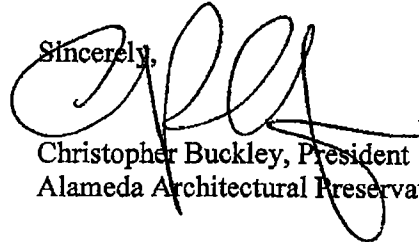
- a. Advertising the availability of the building by: (1) posting of large visible signs (such as banners, at a minimum of 3' x 6' size or larger) at the site; (2) placement of advertisements in Bay Area news media acceptable to the City; and (3) contacting neighborhood associations and for-profit and not-for-profit housing and preservation organizations;
- b. Maintaining a log of all the good faith efforts and submitting that along with photos of the subject building showing the large signs (banners) to the Planning and Zoning Division;

- c. Maintaining the signs and advertising in place for a minimum of 90 days; and
 - d. Making the building available at no or nominal cost (the amount to be reviewed by the Cultural Heritage Survey) until removal is necessary for construction of the replacement project, but in no case for less than a period of 90 days after such advertisement.
5. If the building is removed from the Study List, it appears that its demolition or removal will still require a Certificate of Approval from the HAB because it is a pre-1942 building. It would therefore appear to have been more efficient to bring the Certificate of Approval to the HAB **concurrent** with removal of the structure from the Study List.

Staff believes that a Certificate of Approval is not required if the building were to be removed from the Study List. This would be true if the building were post-1942, but Section 13-21.7 of the Historic Preservation Ordinance clearly requires a Certificate of Approval for demolition or removal of buildings constructed prior to 1942 **as well as** Study List structures. A City Attorney determination on this issue seems advisable.

Thank you for the opportunity to comment. Please contact me at 523-0411 or cbuckley@alamedanet.net if you have questions or would like to discuss these comments.

Sincerely,



Christopher Buckley, President
Alameda Architectural Preservation Society

cc: AAPS Board and Preservation Action Committee members (By electronic transmission)
Cathy Woodbury, Planning and Building Director (By electronic transmission)
Jon Biggs, Secretary Historical Advisory Board (By electronic transmission)
Barbara Price, PK Consulting (By electronic transmission)



February 4, 2008

(By Electronic Transmission)

Historical Advisory Board
City of Alameda Planning Department
2263 Santa Clara Avenue
Alameda, California 94501

Subject:—Proposed Certificate of Approval for demolition of 2413 Buena Vista Avenue (PLN08-0211)

Dear Boardmembers:

This proposal is a classic example of the challenges of weighing historic preservation against other concerns, such as in this case, revitalizing the Park Street north of Lincoln following the departure of the auto dealers.

As stated in our previous letter dated November 20, 2008, the Alameda Architectural Preservation Society (AAPS) believes that contrary to the Page and Turnbull report, the house at 2413 Buena Vista Avenue **does** have historic significance because, as an almost entirely intact Victorian Queen Anne cottage, it does, as stated in the City's historic preservation ordinance, "...embody the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period, type or method of construction..." In addition, the building anchors the east end of an important grouping of Victorian and early 20th century residences on the north side of Buena Vista Avenue, which balances a similar group on the south side of the street.

However, also as stated in our November 20, 2008 letter, AAPS supports the project concept of redeveloping the Cavanaugh Motors site for retail use as part of the effort to build up retail uses around the Alameda Marketplace and help revitalize Park Street north of Lincoln.

Therefore, if removal of the structure is indeed necessary to ensure that the Cavanaugh Motors Project proceeds, we recommend that the HAB approve the Certificate of Approval with the following two conditions:

1. *That, prior to issuance of a demolition permit, the applicant make a good faith effort to find a developer to relocate the building to another site.* The condition should also define what constitutes a "good faith effort". As stated in our November 20, 2008 letter, provisions such as the following used by the City of Oakland should be considered (suggested changes to make these provisions

P.O. Box 1677
Alameda, CA 94501
510-986-9232

**City Council
Attachment 6 to
Public Hearing
Agenda Item #6-A
03-03-09**

Alameda rather than Oakland-specific and relevant to 2413 Buena Vista Avenue are shown in ~~strikeout~~ and underlined text):

Prior to the issuance of a demolition permit

The project applicant shall make a good faith effort to relocate the building located at ~~insert project location~~ 2413 Buena Vista Avenue to a site acceptable to the ~~Planning and Zoning Division~~ and to the ~~Oakland Cultural Heritage Survey Historical Advisory Board~~. Good faith efforts include, at a minimum, the following:

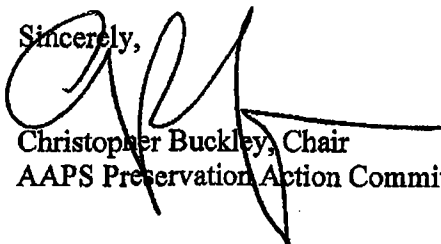
- (a) Advertising the availability of the building by: (1) posting of large visible signs (such as banners, at a minimum of 3' x 6' size or larger) at the site; (2) placement of advertisements in Bay Area news media acceptable to the ~~City~~ Planning and Building Department; and (3) contacting neighborhood associations and for-profit and not-for-profit housing and preservation organizations;
- (b) Maintaining a log of all the good faith efforts and submitting that along with photos of the subject building showing the large signs (banners) to the ~~Planning and Zoning Division~~ Building Department;
- (c) Maintaining the signs and advertising in place for a minimum of 90 days; and
- (d) Making the building available at no or nominal cost (the amount to be reviewed by the ~~Cultural Heritage Survey Historical Advisory Board~~) until removal is necessary for construction of the replacement project, but in no case for less than a period of 90 days after such advertisement.

At the HAB's December 4, 2008 meeting, the applicant's representative questioned the appropriateness of Provision (a)(1), because it might compromise the building's security and invite architectural thieves. This may be a valid concern. We therefore recommend that in determining what constitutes a good faith effort to have the building moved, the HAB request a proposal from the applicant and evaluate this proposal.

2. *That prior to issuance of a demolition permit, a building permit shall be issued for the replacement project for the Cavanaugh Motors site.*

Thank you for the opportunity to comment. Please contact me at 523-0411 or cbuckley@alamedanet.net if you have questions or would like to discuss these comments.

Sincerely,



Christopher Buckley, Chair
AAPS Preservation Action Committee

From: Edward Kears <srgret@hotmail.com>
To: Jon Biggs <jbiggs@ci.alameda.ca.us>
Date: 2/4/2009 2:43 PM
Subject: House at 2413 Buena Vista Ave.

Attention: Jon Biggs. Hello my name is Mike Kears of Eureka, California. I'am sending you this E-Mail about not destroying a great old house, the McMullin family home at 2413 Buena Vista Ave. I was born in 1946 and I have been going there ever since till it was sold. Many famous people have been in that house, my cousins home many times. such as my father Eddie P Kears a New York Yankees Ball player. The Oakland Oaks Baseball team members, Casey Stengel, Vince DiMaggio from the famous DiMaggios Brothers of San Francisco. There is many more who have been there. My hope is for the house to be saved because it is part of the History of Alameda. My Uncle is Toney Corica who passed away and his cousin is the former Mayor of Alameda, Mayor Corica. When the house was buildt back in the 1890's it had Gas lighting and all the Gas pipes are still there in the attic to this day. It is very much of all Redwood Construction and all the wood came from Humboldt County, I'am sure. When my cousins first moved in they were all young Children and lived there all there lives, Edward McMullin, John McMullin, Charles McMullin, Nancy McMullin they are all gone now except for Helen McMullin who still lives in the great city of Alameda California. Please save the House, Thank You.

Edward M Kears SSG/E-6 U.S. ARMY (RET)

Windows Live™: Keep your life in sync.

http://windowslive.com/howitworks?ocid=TXT_TAGLM_WL_t1_allup_howitworks_022009


City Attorney

CITY OF ALAMEDA RESOLUTION NO. _____

A RESOLUTION GRANTING THE APPLICANT'S APPEALS AND OVERTURNING THE HISTORICAL ADVISORY BOARD'S DENIAL OF PLANNING APPLICATION NUMBERS, PLN08-0211 AND PLN08-0970, REQUESTS TO DELETE 2413 BUENA VISTA AVENUE FROM THE ALAMEDA HISTORICAL BUILDING STUDY LIST AND A CERTIFICATE OF APPROVAL TO ALLOW DEMOLITION OF THE BUILDING

WHEREAS, 2413 Buena Vista Avenue is listed on the Alameda Historical Building Study List; and

WHEREAS, the property owner is requesting that 2413 Buena Vista Avenue be deleted from the Alameda Historical Building Study list and a Certificate of Approval be granted to allow demolition of the structure; and

WHEREAS, the General Plan designation is Medium Density Residential; and

WHEREAS, the Zoning Ordinance classification is C-M (Commercial Manufacturing); and

WHEREAS, the project is Categorically Exempt pursuant to CEQA Guidelines Section 15301, Permitting the removal of a structure from the Historical Building Study list and demolition of the structure based on information that it is not a significant historical resource; and

WHEREAS, Applicant has provided evidence indicating that the structure at 2413 Buena Vista Avenue is not a significant historic resource; and

WHEREAS, Staff has conducted an independent review of this information in addition to a review of information available in the Planning and Building Department and has been to the site and inspected the structure; and

WHEREAS, on December 4, 2008 the Historical Advisory Board held a public hearing and reviewed the request including exhibits and documents and voted to deny the PLN08-0211, a request to remove the structure from the Historical Building Study List ; and

WHEREAS, on February 5, 2009 the Historical Advisory Board held a public hearing and reviewed the request including exhibits and documents and voted to deny the PLN08-0970, a request for a Certificate of Approval to allow demolition of the structure; and

WHEREAS, on December 5, 2008 and February 6, 2009 appeals of the Historical Advisory Board's decisions were filed; and

WHEREAS, the City Council held a public hearing on February 17, 2009 and examined all pertinent exhibits, documents and testimony; and

WHEREAS, the City Council has made the following findings relevant to the submitted appeals:

1. Based on the evidence considered, the subject structure is determined to have no particular historic significance to the City of Alameda because it does not reflect or exemplify the cultural, political, economic or social history of the Nation, State, or Community and is not associated with historic persons or events, nor does it embody distinguishing characteristics of an architectural specimen, type, or method of construction and is not the notable work of a master builder, designer, or architect.
2. Based on the evidence of qualified sources, the historical resource is incapable of earning an economic return on its value.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Alameda hereby grants the appeals overturning the Historical Advisory Board's denials and approves, Application No. PLN08-0211 to delete 2413 Buena Vista Avenue from the Historical Building Study List and Application No. PLN08-0970 to allow demolition of the structure subject to the following conditions:

1. Staff is directed to file this revision to the Historical Building Study List with the City Clerk.
2. HOLD HARMLESS. The City of Alameda requires as a condition of this approval that the applicant, or its successors in interest, defend, indemnify, and hold harmless the City of Alameda or its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, and employees to attack, set aside, void, or annul, an approval of the City concerning the subject property. The City of Alameda shall notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding, or the City fails to cooperate in the defense, the applicant shall not hereafter be responsible to defend, indemnify, or hold harmless the City.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6.

NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code Section 66020 (d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. The applicant is hereby further notified that the 90-day appeal period, in which the applicant may protest these fees and other exactions, pursuant to Government Code Section 66020 (a) has

begun. If the applicant fails to file a protest within this 90-day period complying with all requirements of Section 66020, the applicant will be legally barred from later challenging such fees or exactions.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 3rd day of March, 2009, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 4th day of March, 2009.

Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA

Memorandum

To: Honorable Mayor and
Members of the City Council

From: Debra Kurita
City Manager

Date: March 3, 2009

Re: Hold a Public Hearing to Consider an Appeal of the Historical Advisory Board's Decision to Conditionally Approve a Certificate of Approval to Alter More Than Thirty Percent of the Value of a Historically Significant Residential Building Located at 1150 Bay Street for the Purpose of Remodeling a Previous Addition and Adding a Front Porch

BACKGROUND

On August 7, 2008, the Historical Advisory Board reviewed an application for a Certificate of Approval to permit the remodel of an addition at 1150 Bay Street, which was constructed in 1910 and is listed on the City's Historical Building Study List. The application also requested permission to add additional square footage to the second floor, excavate the basement to create additional habitable space, and construct a new covered porch. The Board did not express any concern over the alterations to most of the building, but agreed with staff that the proposed covered porch was not appropriate because it would extend too far into the front yard and negatively impact the unique streetscape that characterizes the neighborhood. The Board directed the applicant to redesign the porch in order to minimize its visual impact.

At its meeting on September 4, 2008, the Board considered a revised design that replaced the entirely covered porch with one that was only partially roofed. It was acknowledged that if approved, this revised design would require a variance from the Planning Board because the roofed portion encroached into the required side yard of the property. Although staff made the findings that supported the re-designed porch, the Historical Advisory Board did not concur and again directed the applicant to return with a design that left the façade of the building undisturbed.

On October 2, 2008, the applicant returned to the Board and asked that the design proposed on September 4 be reconsidered. To facilitate this, a consulting preservation architect, hired by the applicant, provided his professional opinion that the proposed front porch would not negatively impact the block's streetscape and was compatible with the Secretary of Interior's standards for the rehabilitation of historic properties. After consideration of his testimony, the Board re-evaluated the porch design and granted the Certificate of Approval. The Historical Advisory Board's staff reports for this project are on file in the City Clerk's office.

**City Council
Public Hearing
Agenda Item #6-B
03-03-09**

Following the Historical Advisory Board's granting of the Certificate of Approval, an appeal was filed on October 13, 2008, by Mr. Robert Woolley stating that the seven-foot extension of the proposed porch into the front yard would be detrimental to the neighborhood setting (Attachment 1). On December 8, 2008, the Planning Board considered design review for the entire project and a variance that would permit the front porch to be constructed with a reduced side-yard setback. The Planning Board determined the project would properly rehabilitate the historic residence, and in consideration of evidence that a shed roof over the entrance was once part of the original structure, made the findings that granted both design review and variance approval as illustrated on the approved plans (Attachment #2).

DISCUSSION

Following the first Historical Advisory Board hearing on August 7, 2008, the applicant worked with staff and proposed a front porch design that addresses the concern regarding its spatial relationship to that of the neighborhood's streetscape. In place of the previously proposed covered roof, the redesign proposes a porch that is partially roofed, with the remainder incorporating a pergola that will have a setback of 30 feet from the inside edge of the sidewalk. The roofed portion includes a street-facing gable that extends 36-feet deep to provide covered access to the front door. The remaining width of the façade includes a pergola that will incorporate posts, support beams, and rafters. Finally, the stairs leading to the porch will be inset, and the handrail wall will be removed to minimize its visibility from the street.

As proposed, the porch will not negatively impact the historic streetscape that exists on Bay Street, as determined by the Historical Advisory and Planning Boards. In addition, there are other similarly designed porches on the same block, including 1115, 1128, 1134, 1160, 1224, and 1236 Bay Street.

FINANCIAL IMPACT

The appellant paid the appeal fee of \$100. The time and materials costs to process the appeal in excess of this amount are borne by the Planning and Building Department.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

Alameda Municipal Code §13-21.5 Procedure for Preservation of Historical and Cultural Monuments govern this proposal.

ENVIRONMENTAL REVIEW

This proposed project is Categorically Exempt from additional environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines, Section

15301(e)(2) Existing Facilities – Addition of less than 10,000 square feet to an existing structure and, as conditioned, Section 15331 – Historical Resource Rehabilitation – Projects consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.


RECOMMENDATION

Deny the appeal and uphold the Historical Advisory Board's decision to grant a Certificate of Approval to alter more than thirty percent of the value of a historically significant residential building located at 1150 Bay Street for the purpose of remodeling a previous addition and adding a front porch.

Respectfully submitted,


Cathy Woodbury
Planning & Building Director

By:


Douglas Vu
Planner III

DV:dv

Attachment:

1. Appellant's application to appeal the October 2, 2008 decision
2. Approved plans by the Historical Advisory and Planning Boards



PETITION FOR APPEAL OR CALL FOR REVIEW

This petition is hereby filed as an appeal or call for review of the decision of the

HISTORICAL ADVISORY BOARD which
(Planning Director/Zoning Administrator/Planning Board/Historical Advisory Board)

GRANTED for application PLN08-0035
(Denied/Granted/Established Conditions) (Application type)

_____ at 1150 BAY ST

(Application Number) (Street Address)

on 10/2/08
(Specify Date)

The basis of the appeal or call for review is:

7 FOOT ENCROACHMENT INTO SETBACK
IS DETRIMENTAL TO SETTING

(If more space is needed, continue on the reverse side or attach additional sheets.)

Appellant: ROBERT WOOLLEY
(Appellant Name(s), Planning Board Member or Council Member)

Address: 1161 BAY ST
(Appellant Address)

AMC Section 30-25, Appeals and Calls for Review, provides that within ten (10) days a decision of the Planning Director or Zoning Administrator may be appealed to the Planning Board, and decisions of the Planning Board or Historical Advisory Board may be appealed to the City Council. In addition to the appeal process, decisions of the Planning Director or Zoning Administrator may be called for review within ten (10) days to the Planning Board by the Planning Board or by the City Council and decisions of the Planning Board or the Historical Advisory Board may be called for review by the City Council or a member the City Council.

A processing fee of \$100.00 must accompany the Petition for Appeal. No fee is required for a Call for Review.

RECEIVED

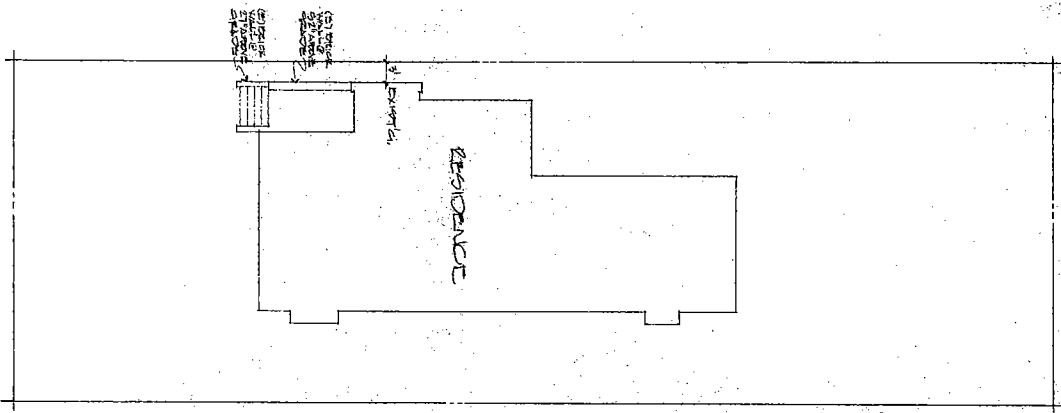
(For Office Use Only)

Date Received Stamp

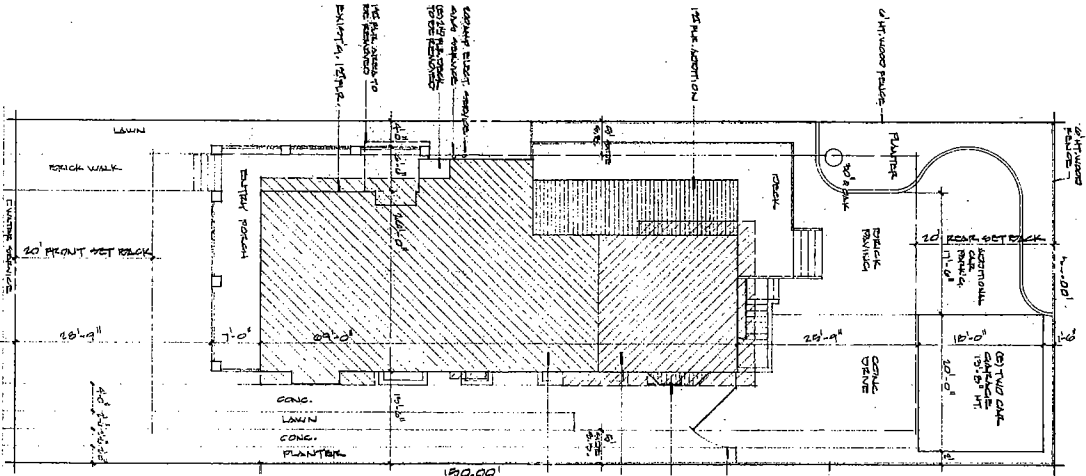
Received By:

Receipt No.:

City Council
Attachment 1 to
Public Hearing
Agenda Item #6-B
03-03-09



EXTRA. PARTIAL SITE PLANS



BY STREET
SIXTH PLANK

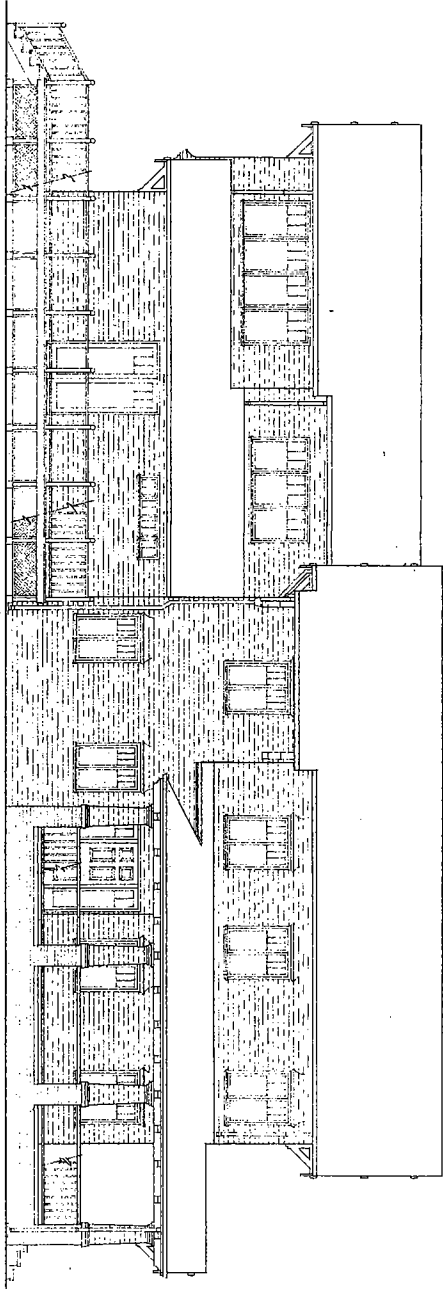
1701-1710
 1711-1720
 1721-1730
 1731-1740
 1741-1750
 1751-1760
 1761-1770
 1771-1780
 1781-1790
 1791-1800
 1801-1810
 1811-1820
 1821-1830
 1831-1840
 1841-1850
 1851-1860
 1861-1870
 1871-1880
 1881-1890
 1891-1900
 1901-1910
 1911-1920
 1921-1930
 1931-1940
 1941-1950
 1951-1960
 1961-1970
 1971-1980
 1981-1990
 1991-2000
 2001-2010
 2011-2020
 2021-2030
 2031-2040
 2041-2050
 2051-2060
 2061-2070
 2071-2080
 2081-2090
 2091-2100
 2101-2110
 2111-2120
 2121-2130
 2131-2140
 2141-2150
 2151-2160
 2161-2170
 2171-2180
 2181-2190
 2191-2200
 2201-2210
 2211-2220
 2221-2230
 2231-2240
 2241-2250
 2251-2260
 2261-2270
 2271-2280
 2281-2290
 2291-2300
 2301-2310
 2311-2320
 2321-2330
 2331-2340
 2341-2350
 2351-2360
 2361-2370
 2371-2380
 2381-2390
 2391-2400
 2401-2410
 2411-2420
 2421-2430
 2431-2440
 2441-2450
 2451-2460
 2461-2470
 2471-2480
 2481-2490
 2491-2500
 2501-2510
 2511-2520
 2521-2530
 2531-2540
 2541-2550
 2551-2560
 2561-2570
 2571-2580
 2581-2590
 2591-2600
 2601-2610
 2611-2620
 2621-2630
 2631-2640
 2641-2650
 2651-2660
 2661-2670
 2671-2680
 2681-2690
 2691-2700
 2701-2710
 2711-2720
 2721-2730
 2731-2740
 2741-2750
 2751-2760
 2761-2770
 2771-2780
 2781-2790
 2791-2800
 2801-2810
 2811-2820
 2821-2830
 2831-2840
 2841-2850
 2851-2860
 2861-2870
 2871-2880
 2881-2890
 2891-2900
 2901-2910
 2911-2920
 2921-2930
 2931-2940
 2941-2950
 2951-2960
 2961-2970
 2971-2980
 2981-2990
 2991-3000
 3001-3010
 3011-3020
 3021-3030
 3031-3040
 3041-3050
 3051-3060
 3061-3070
 3071-3080
 3081-3090
 3091-3100
 3101-3110
 3111-3120
 3121-3130
 3131-3140
 3141-3150
 3151-3160
 3161-3170
 3171-3180
 3181-3190
 3191-3200
 3201-3210
 3211-3220
 3221-3230
 3231-3240
 3241-3250
 3251-3260
 3261-3270
 3271-3280
 3281-3290
 3291-3300
 3301-3310
 3311-3320
 3321-3330
 3331-3340
 3341-3350
 3351-3360
 3361-3370
 3371-3380
 3381-3390
 3391-3400
 3401-3410
 3411-3420
 3421-3430
 3431-3440
 3441-3450
 3451-3460
 3461-3470
 3471-3480
 3481-3490
 3491-3500
 3501-3510
 3511-3520
 3521-3530
 3531-3540
 3541-3550
 3551-3560
 3561-3570
 3571-3580
 3581-3590
 3591-3600
 3601-3610
 3611-3620
 3621-3630
 3631-3640
 3641-3650
 3651-3660
 3661-3670
 3671-3680
 3681-3690
 3691-3700
 3701-3710
 3711-3720
 3721-3730
 3731-3740
 3741-3750
 3751-3760
 3761-3770
 3771-3780
 3781-3790
 3791-3800
 3801-3810
 3811-3820
 3821-3830
 3831-3840
 3841-3850
 3851-3860
 3861-3870
 3871-3880
 3881-3890
 3891-3900
 3901-3910
 3911-3920
 3921-3930
 3931-3940
 3941-3950
 3951-3960
 3961-3970
 3971-3980
 3981-3990
 3991-4000
 4001-4010
 4011-4020
 4021-4030
 4031-4040
 4041-4050
 4051-4060
 4061-4070
 4071-4080
 4081-4090
 4091-4100
 4101-4110
 4111-4120
 4121-4130
 4131-4140
 4141-4150
 4151-4160
 4161-4170
 4171-4180
 4181-4190
 4191-4200
 4201-4210
 4211-4220
 4221-4230
 4231-4240
 4241-4250
 4251-4260
 4261-4270
 4271-4280
 4281-4290
 4291-4300
 4301-4310
 4311-4320
 4321-4330
 4331-4340
 4341-4350
 4351-4360
 4361-4370
 4371-4380
 4381-4390
 4391-4400
 4401-4410
 4411-4420
 4421-4430
 4431-4440
 4441-4450
 4451-4460
 4461-4470
 4471-4480
 4481-4490
 4491-4500
 4501-4510
 4511-4520
 4521-4530
 4531-4540
 4541-4550
 4551-4560
 4561-4570
 4571-4580
 4581-4590
 4591-4600
 4601-4610
 4611-4620
 462

SCOPE OF WORK

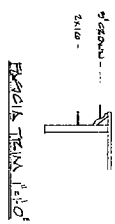
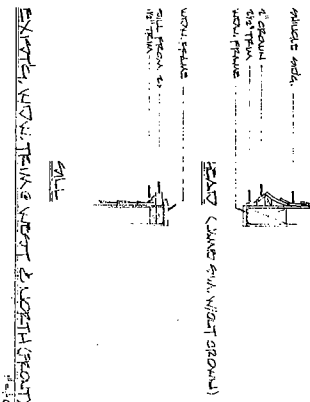
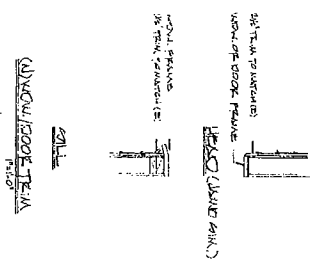
REMOVE EXISTING INTERIOR TRUSS JOINTS FROM ROOM PLUMBING & REPAIRS (SEE EXISTING & REPAIRS) AND (5) CONSTRUCTION/REPAIRS TO EXISTING ROOF JOINTS AND JOINTS TO ROOF TRUSS. THE WORK SHALL INCLUDE (1) WORKING FROM THE EXISTING (2) CONSTRUCTION OF ROOF TRUSS TO ELIMINATE STREET ELEVATION.

[illegible]

Architectural drawing showing a building elevation with annotations. The drawing includes a section labeled "21'-0\" EXIST'G. BLDG. HT." and another labeled "29'-6\" REMOVAL BLDG. HT." indicating height measurements. A vertical dimension of "2'-10 1/2\" (13'-0\" (2))" is also shown. The drawing depicts a multi-story structure with a gabled roof and various window openings, including a large central window and smaller rectangular windows. The drawing is a technical sketch with hatching and dimension lines.



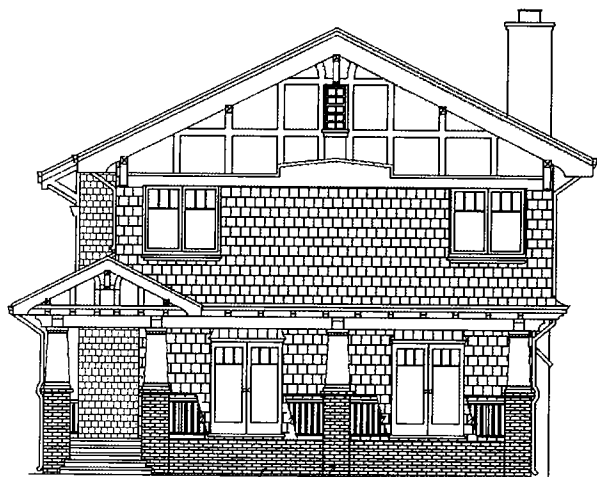
LEFT SIDE ELEVATION (NORTH) 1/4"=1'-0"



REVISIONS		BY
1	1/1/1990	
2		
3		
4		
5		
6		
7		
8		
9		
10		

REMODEL TO: THE EMERSON RESIDENCE 1180 BAY STREET ALAMOGA, CA.	EXTERIOR ELEVATION TRIM OCTAILED	DAN ADAMS DESIGNER P.O. BOX 2471 SANTA CRUZ, CA. (408) 476-0299
---	-------------------------------------	---

DATE 6/1/90	SCALE 1/4"=1'-0"
DRAWN BY	
CHECKED BY	
DATE	



RESPONSE TO PETITION FOR APPEAL OF THE
HISTORICAL ADVISORY BOARD APPROVAL
OF APPLICATION PLN08-0035
1150 BAY STREET REHABILITATION

February 25, 2009

Contents

Summary	1
There is No Encroachment into the Legal Setback.....	2
The Approved Design is Not Detrimental to the Setting. It Enhances the Setting by:	4
Maintaining the Character of the Neighborhood Setbacks.....	4
Not Encroaching on Sight Lines Unique to the 1150 Side of the Street.....	5
Rehabilitating Many of the Home's Original 1910 Structural Elements.....	9
Creating a "Pleasant, Welcoming Passage into the Building" as Described by the City of Alameda Guide to Residential Design (p. 27).	11
The Former Executive Director of the State of California Historic Preservation, the Historical Advisory Board Office and the City Planning Board Agree.	12
Letters of Supporting Neighbors.....	29

Summary

We, Kay and Dale Emerson, are proud to call Alameda our home. We moved to this lovely community to be close to our grandson and purchased a property adjacent to our daughter at 1150 Bay Street. To better enjoy both our community and our grandson, Colten, we are planning to rehabilitate the home and add a terrace to the front. We have designed this terrace to ensure it meets our needs for rocking chairs and grandchildren, and maintains the historical integrity of our beautiful neighborhood.

We have been approved at every step of the process and have enjoyed an excellent working relationship with the City of Alameda Planning Department, Planning Board and Historical Advisory Board. On 10/13/08, a petition appealing the Historic Advisory Board approval for application PLN08-0035 was filed, stating only: "seven foot encroachment into the setback is detrimental to setting." We believe the appellant is referring to the front terrace, designed to improve the beauty and usability of the rehabilitated home. This memo outlines our response to this appeal and urges you to support the approvals of the Boards that have already weighed in on this matter.

While we have heard the petitioner's concerns, his appeal does not have any legal or architectural merit for the following reasons:

- ♦ **There is no encroachment into the legal setback.**
 - The legal setback for 1150 Bay Street is 20 feet from the sidewalk.
 - The approved design calls for a terrace that is 30 feet from the sidewalk.
- ♦ **The approved design is not detrimental to the setting. It enhances the setting by:**
 - Maintaining the character of the neighborhood setbacks. Current setbacks range between 27.5 to 37 feet from the sidewalk on the East (1150) side of Bay Street. Our terrace has a 30 ft setback.
 - Not encroaching on sight lines unique to the East side of the street. Photographic evidence, including a full scale storyboard model, demonstrates the terrace cannot be seen in the sight lines.
 - Rehabilitating many of the home's original 1910 structural elements.
 - Creating a "pleasant, welcoming passage into the building" as described by the City of Alameda Guide to Residential Design (p. 27).
 - Allowing us to adding rocking chairs and a family respite area on our new front terrace.

The City of Alameda Planning Department, the Historical Advisory Board and the former Executive Director of the State of California Historic Preservation Office all agree that this project conforms to the:

- ♦ Law
- ♦ City, State and Federal Guidelines for rehabilitation
- ♦ Design and setback precedents within the neighborhood

This document provides supporting documentation for the City's approval of the rehabilitation.

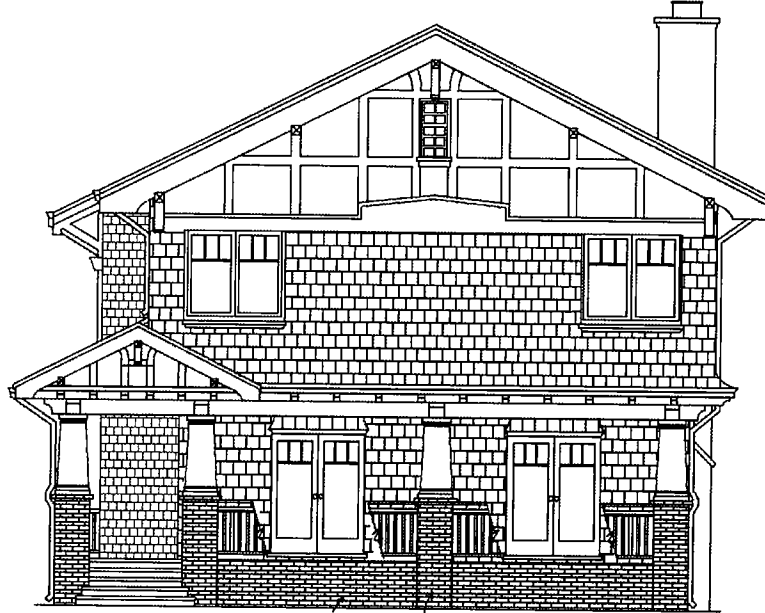
There is No Encroachment into the Legal Setback.

The setback for 1150 Bay Street is 20 feet from the curb.

The approved design calls for a terrace that is 30 feet from the curb.

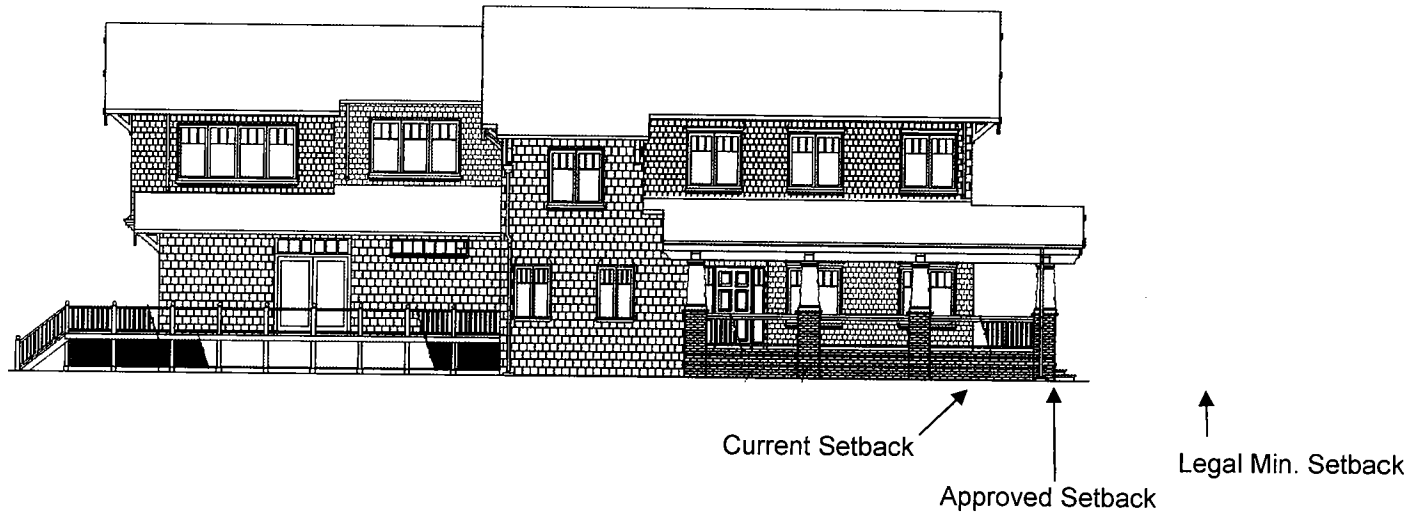


West Elevation – Current setback of house is 37' from sidewalk.



**West Elevation – Approved setback to terrace: 30' from sidewalk.
Terrace will extend only to edge of flower bed in the current picture above.**

North Elevation – Approved Rehabilitation of north shed roof; scaled demonstration of setbacks.

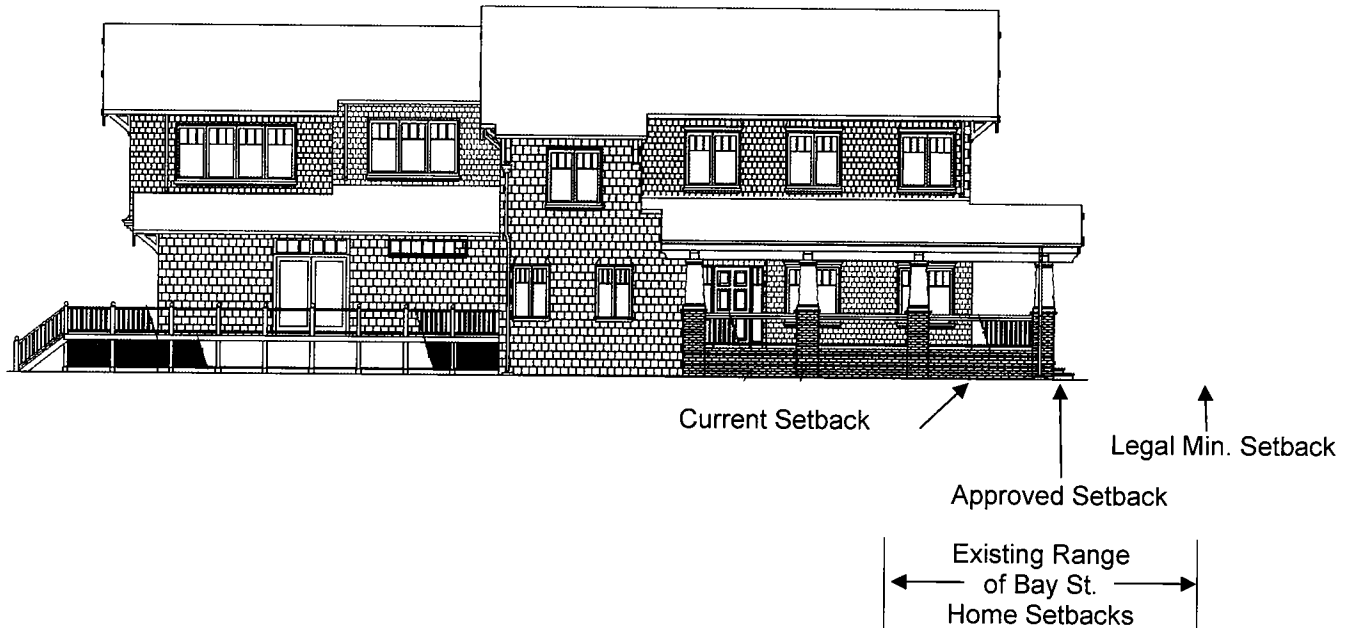


The Approved Design is Not Detrimental to the Setting. It Enhances the Setting by:

Maintaining the Character of the Neighborhood Setbacks.

Setbacks of all homes in the neighborhood were measured by the Applicant using methodology requested by City of Alameda Planning Dept.

Current setbacks in the neighborhood range between 21.5 to 37 feet from the sidewalk. Homes on the East side of Bay range from 27.5 to 37 feet. With the addition of the front terrace, the setback for 1150 Bay will be 30 ft.



The approved setback for the 1150 Bay street home is consistent with the neighborhood and is within the range of the East side of the street.

It should be noted that the setback of the Appellant's home is currently 32 feet from the sidewalk, nearly identical to that approved for 1150 Bay.

Not Encroaching on Sight Lines Unique to the 1150 Side of the Street.

A storyboard model of the terrace, with bright white columns (unlike the matching brown shingles that will be used) and a full roof, was constructed to demonstrate the unobtrusiveness of the approved terrace.

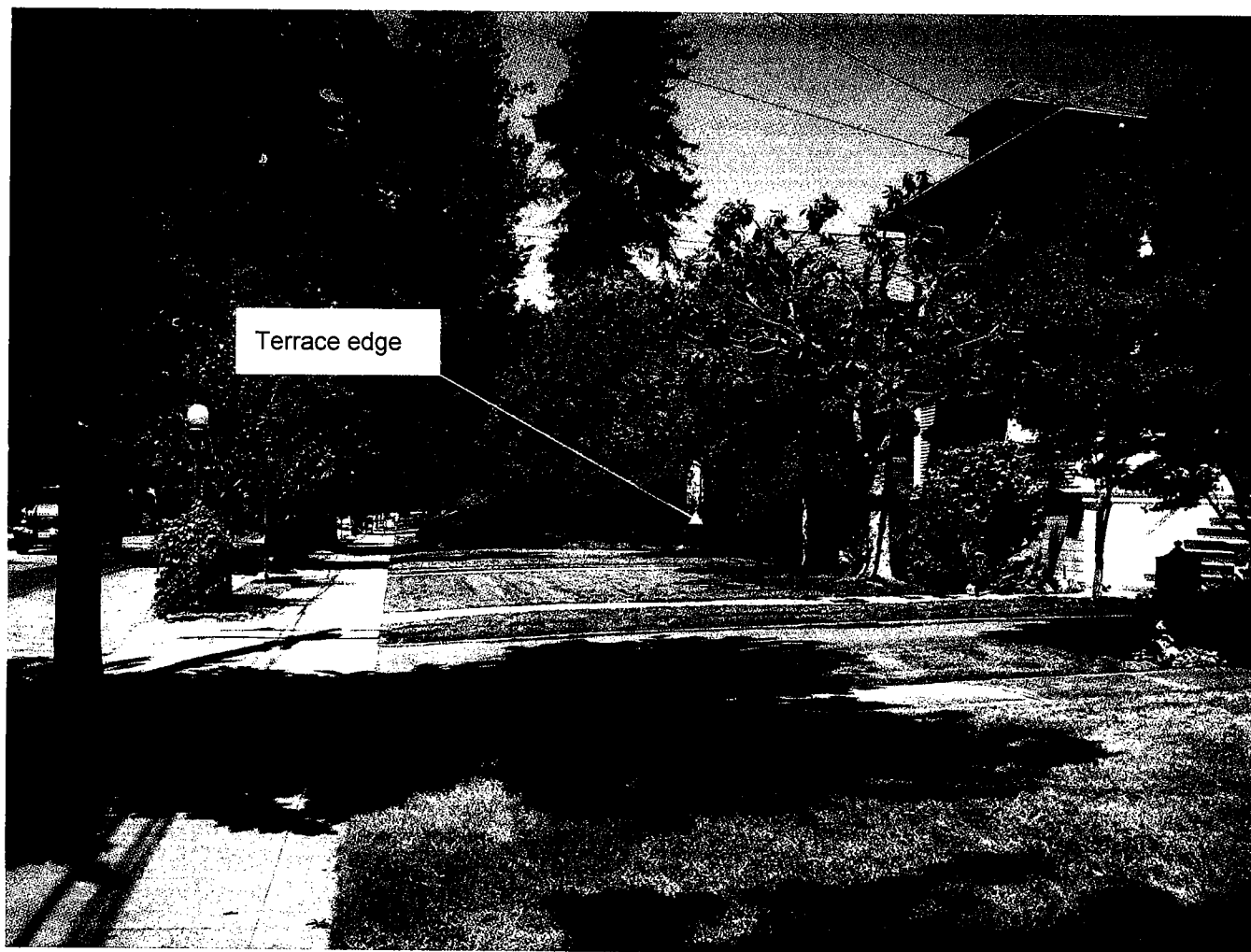
Please note that terrace does not extend beyond existing flowerbed.



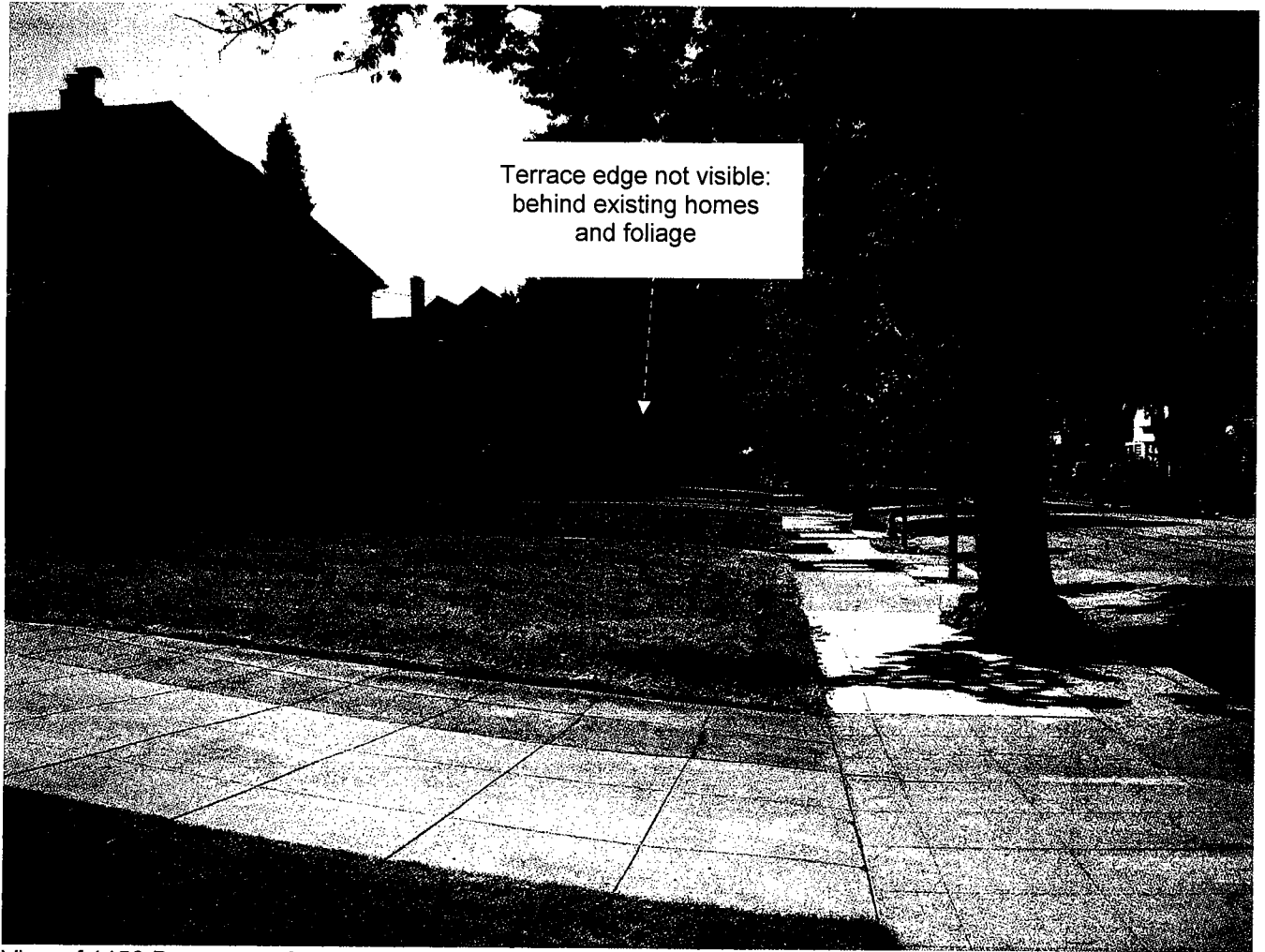
The following pictures were taken to determine if the terrace design was visible within the sight lines that all in the neighborhood wish to preserve. These pictures document that the approved terrace preserves these sight lines.



View of 1150 Bay terrace from two homes north. 1150 Bay is south of red car. Terrace columns (white) visible through trees; sight lines of neighborhood unaltered.



View of 1150 Bay terrace from 2 homes south. 1150 Bay is south of red car. Terrace columns (white) visible through trees; sight lines unaltered by terrace.



View of 1150 Bay terrace from 5 homes north. 1150 Bay is south of red car. Terrace columns (white) NOT visible through trees; neighborhood sight lines unaltered by terrace.

Rehabilitating Many of the Home's Original 1910 Structural Elements.



Example of window that will be restored (currently shingled over) just to right of meter.

Original porch elements will be unwallled.



Rehabilitation plans include:

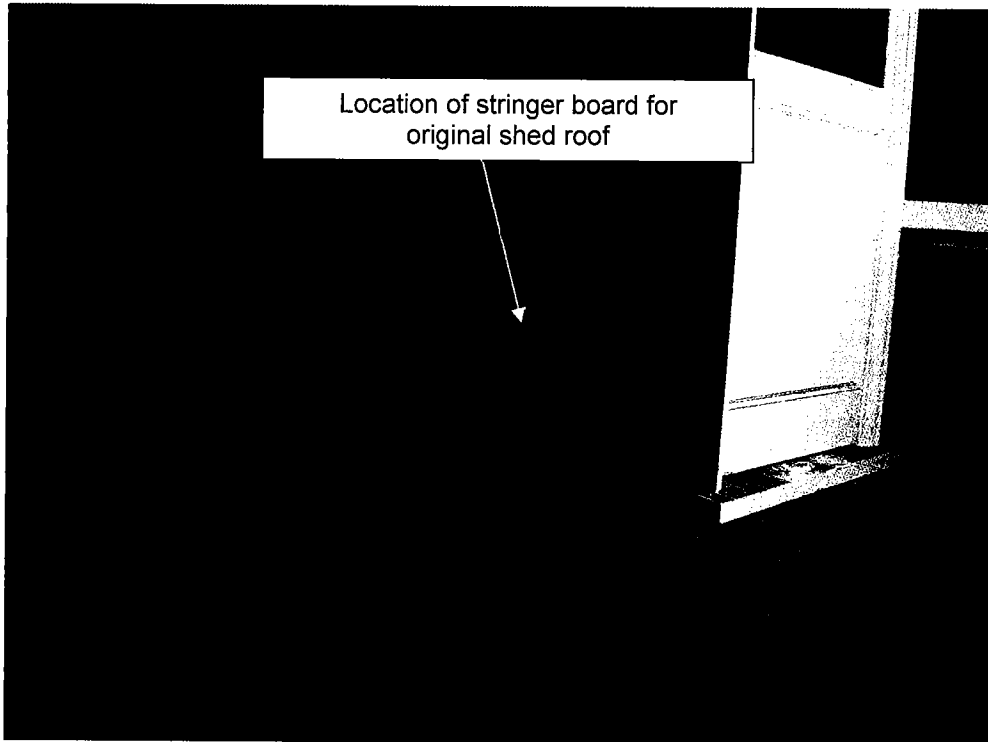
- ♦ Restoring windows discovered on either side of fireplace.
- ♦ Removing 1961 additions that were incongruous with original structure.
 - For example, the 1960 additions on the back of the house will be replaced.
 - Front door entrance being moved to the side to be consistent with original design and neighborhood homes.
- ♦ Conforming new construction to 1910 elements of the home.

We are making sacrifices to retain the building's historical flavor.

- ♦ Reducing deck space.
- ♦ Spending money on details.
- ♦ Investing in significant engineering improvements (e.g., entirely new foundation) to preserve the building for future generations.

This is an exciting project!!

On the second floor we found historical proof of the shed roof that existed on the north side of the house. We are restoring it!!!



Evidence of location of stringer board supporting original shed roof over original entrance. View is on 2nd story porch over current front door.

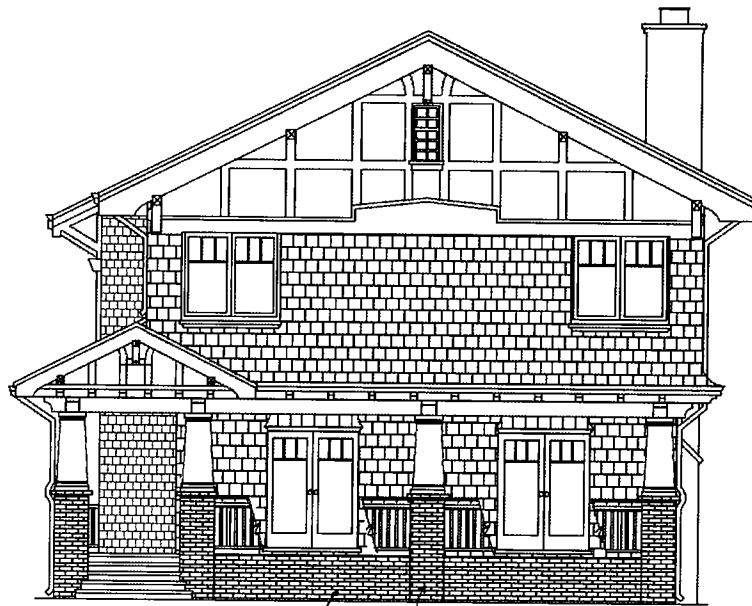
Creating a “Pleasant, Welcoming Passage into the Building” as Described by the City of Alameda Guide to Residential Design (p. 27).

The approved terrace provides a porch-like feature to the home that is consistent with the City’s guidelines and many of the homes in the neighborhood:

“A porch adds interest to the overall appearance of the building and creates a pleasant, welcoming passage into the building.

Porches are the transition between the private and public spaces; it affords an opportunity for neighborhood interaction, thereby building community and provides ‘eyes on the street’ which has a positive effect on safety.”

City of Alameda Guide to Residential Design (p. 27)



The Former Executive Director of the State of California Historic Preservation, the Historical Advisory Board Office and the City Planning Board Agree.

The following pages include the analysis of Robert Mackensen, the former Executive Director of the State of California's Historic Preservation Office. This analysis was presented and accepted by the City Historical Advisory Board.

Mr. Mackensen's resume documents his extensive credentials on the subject of appropriate rehabilitation.

Finally, we have included the resolutions by the Historical Advisory Board approving the planned rehabilitation of 1150 Bay and the Planning Board's approval of the minor variance conditions necessary to enact the plan approved by the City HAB.

ROBERT E. MACKENSEN
Consulting Preservation Architect
License Number C-6131

October 2, 2008

Historic Advisory Board
City of Alameda, California
1150 Bay Street, Alameda

Honorable Chairman and Members of the Historical Advisory Board:

I was contacted by the Applicants to evaluate this remodeling project and offer my professional judgment on whether their proposals relative to the building's façade and entry were in conformance with current rehabilitation standards and guidelines, and if the Approved terrace was consistent with the valued neighborhood setbacks. I reviewed the plans and visited the site for several hours on Sept 18th.

Before I go further, I want to applaud Alameda for its Certified Local Government designation. This means that your Planning Department has been trained to review preservation-related remodeling projects and judge their adherence to applicable Federal, State and local preservation mandates and guidelines. I also want to congratulate you Board members for your hard work. At the same time, I want to commend to you the resources of California's Office of Historic Preservation and the Federal Government's Technical Preservation Services. They are a vast reservoir of preservation expertise...and they are at your disposal.

I'd like to be clear with the Board about the thoroughness of my evaluations. It's the same thoroughness that I have brought to each of the many hundreds of projects like this that I have reviewed over the last 3 decades.

I look for conformance to recognized State and National preservation mandates, particularly conformance to the Secretary of the Interior's Standards, as well as the City of Alameda Guide to Residential Design. I would strongly counsel your Board to incorporate those nearly universally cited, referenced and utilized "Secretary's Standards" into your city's Guide.

My résumé emphasizes my expertise in the application of State and National Standards, but you should also know of my experience here in Alameda. I have reviewed several properties in the area. I was a collaborating consultant on the historic inventory of the Alameda Naval Air Station. On a personal note, my son lived here in Alameda and one of my grandsons was born here. Another son lives in a vintage home featured in the PBS Television production, "If the Walls Could Talk." I fully understand that Alameda is a visually unique and charming community. I am experienced in evaluating projects like the 1150 Bay rehabilitation within the context of the East side of Alameda's Bay Street.

The evaluation I am presenting tonight takes into careful consideration the proposal's sensitivity to the particular context of the building, including

1. The neighborhood;
2. The significance of the architect and his design;
3. The preservation status of the current façade.

Let's deal with the neighborhood sensitivities first:

The legal setback is not an issue here. The front edge of the terrace is ten feet behind the twenty-foot legal setback line

The neighbors are very concerned about preservation of the broad setback that exists on the East Side of Bay Street. I too, believe this is a valuable asset worthy of protection. However, the neighbor's claim of a visual

intrusion by the proposed terrace appears to be an invented issue without genuine merit, as can be evidenced by the photos.

The applicants put up storyboards that mimicked the first design that they brought to the city. While the roof design has been modified and visually diminished from that original plan, the column placement is about the same. They made the storyboard columns white to make the approved addition stand out as much as possible in photographs.

Photo #1 is taken from a point that is only 5 houses north of the project. The photograph shows a streetscape where landscaping and foliage at the houses dominate the scene. The red car is immediately adjacent to the porch of 1150 Bay. You can see the car, but obviously you can't see any of the white columns.

When you move two houses north of 1150 Bay (photo 2), you can finally see the white columns, but they clearly do not extend beyond the existing foliage. When the trellis supports are brown—as opposed to the white of the “storyboards” seen in the photos, any sense of “visual intrusion” into the streetscape will disappear completely.

Photo #3 shows the view from two houses south of 1150 Bay. Even though the columns are white, they are barely discernable.

The Terrace design does not visually intrude into the existing neighborhood setbacks. I've read the neighbors' complaints about the precedent that could be set by this front terrace, but that precedent already exists on page 81 of Alameda's “Rehabilitation Guide,” and—at 1150 Bay—does so without visually intruding into the setback defined by the generous foliage found in front of most of the houses. This proposal will be sensitive to the original house and harmonious with the architectural and historic qualities of the neighborhood.



From pg 81, Alameda City “Guide to Residential Design”

What is the significance of an A.W. Cornelius design and can it be altered?

Albert W. Cornelius is rightfully recognized for the number of theatres he designed in this locality, but there is no evidence that the houses he designed or built comprise a body of work that is exceptional. In particular, this home does not demonstrate a vocabulary of character-defining features that would be uniquely tied to him. And although a respectable contributor to the neighborhood, this house does not independently rise to a noteworthy level of architectural significance. Moreover, the original windows and side entry porch have been seriously altered over time. This owner intends to recapture—to the extent possible without original drawings—those original characteristics that are now lost.

“Rehabilitation” is the proper methodology for residential properties such as this. Rehabilitation grants that the continued preservation of these resources requires recognition of the need for refinements and alterations in order to keep buildings abreast of current technology and living standards. It also seeks to implement these refinements in a fashion that is sensitive to and subordinate to the original building.

On balance, one can applaud the gains in sympathetic historical rehabilitation, together with improvements in livability that are represented by the entry/ terrace in this proposal. Keeping that balance positive is the essence of sensitive rehabilitation.

What I discovered during my site review:

When I reviewed the site we discovered evidence that the original design of the house probably had a shed roof on the north side porch. We know that porch was in-filled and the front door moved from side-facing to front-facing in 1961. It appears that the upper porch balcony, with its "mansard" geometry was built at that time as well. Photo #4 documents hand-sawn boards under the shingles with an approximate six-inch gap in the side boards that run along a portion of that porch that is above the current entrance. We believe this is the location of the stringer that supported the roof rafters of a shed roof that covered the original entrance. What this means is that the design you are reviewing is likely to be restoring a feature that existed in the original. The proposed design then extends that shed roof along the north side and ends in a gable. This is very consistent with homes of the era (note again page 81 of Alameda's "Guide"), and provides proper protection of the porch and for those that are entering the house.

As you may have picked up from my evaluation, I disagree with the characterization of the front design as a "porch." That was based on the original, fully roofed design. It was rejected by the City Planning Dept at the first meeting, and I agree with the City's position. The current design is more accurately defined as a "trellised terrace." Calling it a "porch" is an overstatement, conveying an impression of something visually much more substantial.

I have also recommended that the shutters be removed from the front of the house. They are not historic. I've also recommended that the rear termination of the entry porch's shed roof be ended in a simple half-gable, not the hip roof as drawn. The Applicants have agreed with those recommendations. Replacement doors and windows, sensitive to the character and design of the era, are also included.

With respect to Rehabilitation Standard 9 of the Secretary of the Interior, the 1150 Bay Project "will not destroy historic materials, features and spatial relationships that characterize the property," including the actual neighborhood setbacks. Further, the "new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and the environment."

With respect to Rehabilitation Standard 10, the trellised terrace "will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired." At the same time, this addition will enhance the livability and the energy efficiency—and thus extend the useful life—of the historic building.

In conclusion, it is my professional opinion that the proposed trellised terrace at the façade of 1150 Bay conforms to all pertinent National, State, Local and Neighborhood rehabilitation criteria. Moreover it does so in a manner that is sensitive both to the history of the home and to its location in this specific neighborhood, while at the same time improving the livability and continued useful life of this locally listed building.

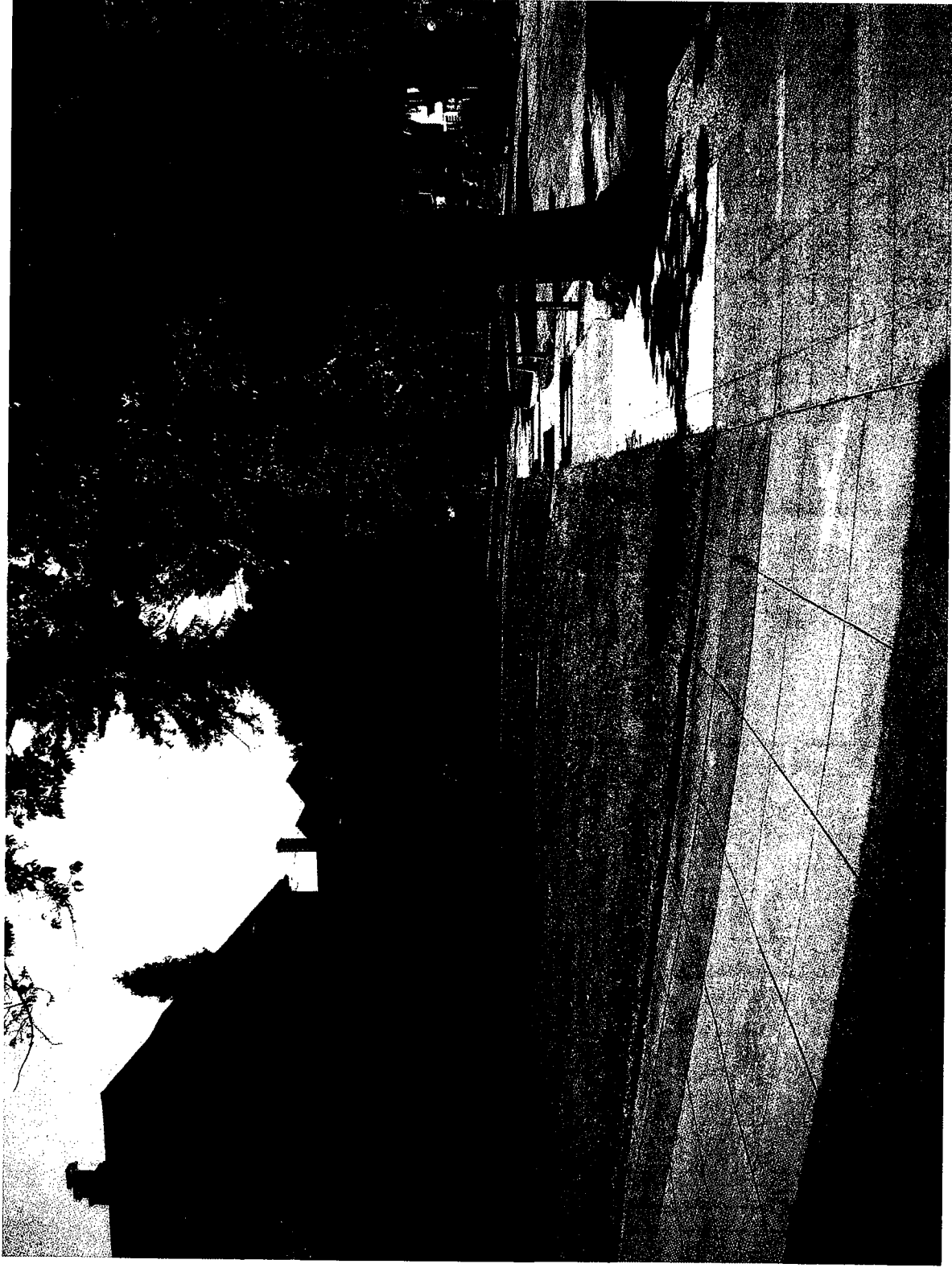
Friends, and I use the term advisedly because there should be no enemies of preservation here, we need and applaud vigilance, but vigilance must not be confused with the emotional desire to stop change. If that desire is allowed to overtake genuine vigilance, then the spark of innovation required for continued viability of historic buildings will be snuffed out. Continued viability is the essential ingredient of preservation. Oakland's Paramount and the Alameda Theatre remain treasured gems because alterations made possible their continued useful life.

My clients and I would deeply appreciate your careful consideration and your positive response to these project modifications, resulting in a sensitive, non-intrusive rehabilitation.

Thank you for the opportunity to speak with you this evening.

SPECIALIZING IN HISTORIC PRESERVATION & RELATED CODE ISSUES

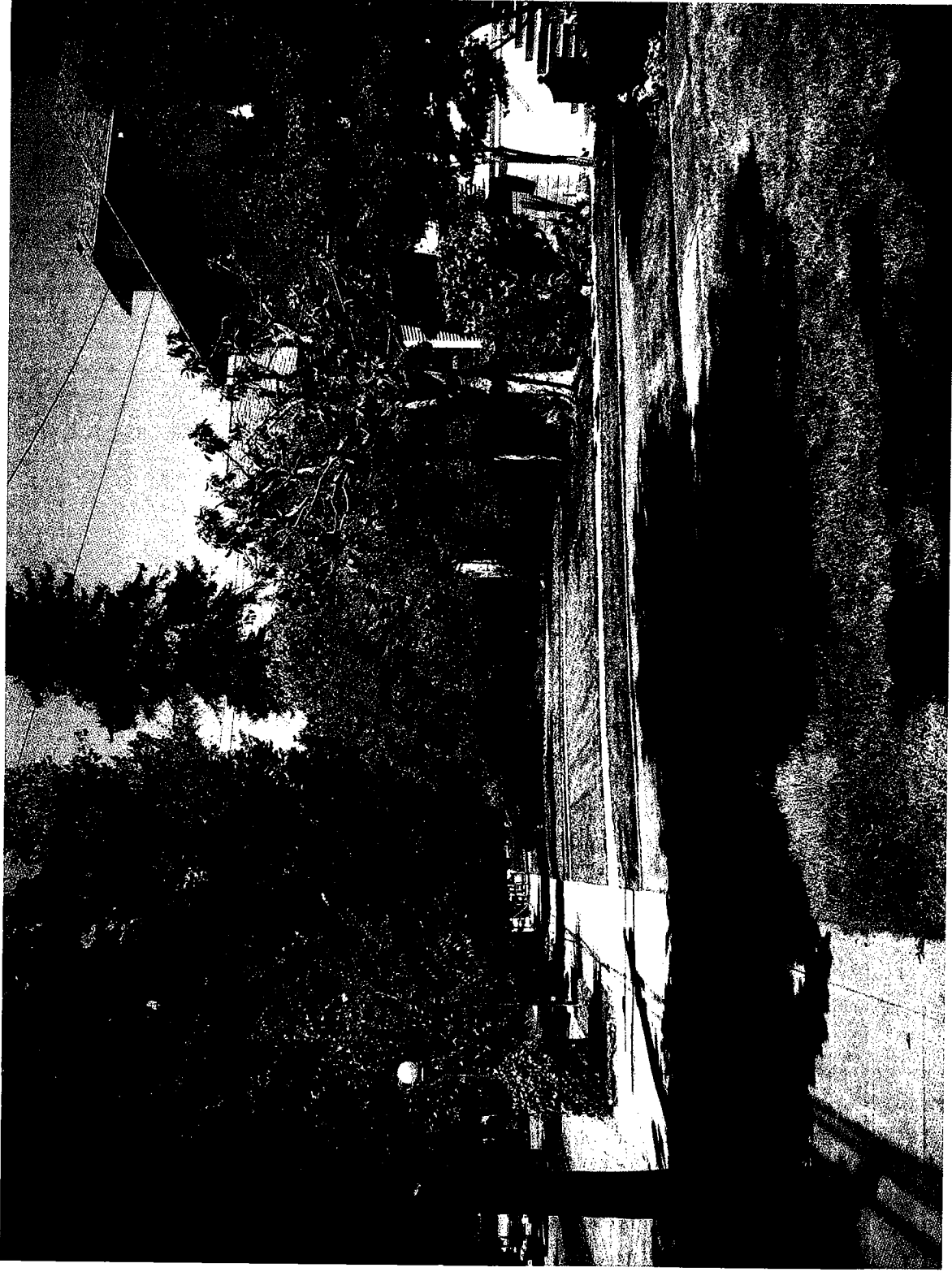
PO Box 648 - Yuba City CA 95992 - 530-673-1191 - fax-673-5036 - rmackensen@sbcglobal.net



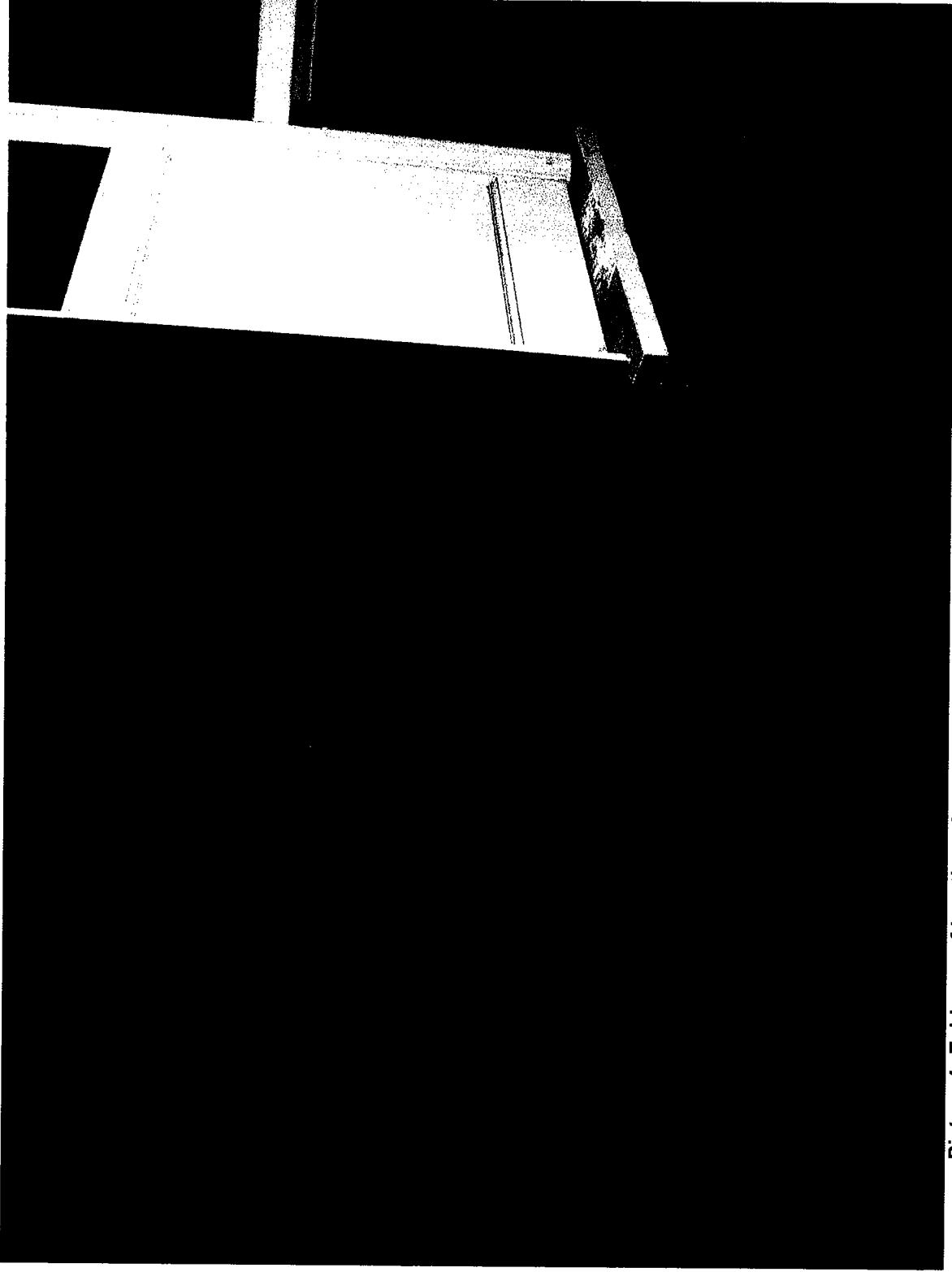
Picture 1: View of 1150 Bay terrace from 5 homes north. Applicant property south of red car. Terrace not visible



Picture 2: View of 1150 Bay terrace from 2 homes north. Applicant property south of red car. Terrace columns (white) visible



Picture 3: View of 1150 Bay terrace from 2 homes south. Applicant property south of red car. Terrace columns (white) visible



**Picture 4: Evidence of location of potential stringer board of original shed roof over original entrance.
View is on 2nd story porch over current front door.**

ROBERT E. MACKENSEN

Consulting Preservation Architect

License Number C-6131

Curriculum Vitae

After earning his commission and being awarded his wings as a Distinguished Graduate, then serving with the USAF in England, Robert Mackensen completed his architectural studies at the University of California, Berkeley, receiving his degree in 1964. Upon licensing, he became a partner, specializing in design, in a local, mid-size, private architectural practice serving the Sacramento Valley. Among his works are public libraries in Yuba City, Marysville, Bridgeport and Princeton; Bridge Street School and numerous other buildings at local school sites; churches, temples, offices, industrial buildings, apartment buildings and homes. Ultimately, his office's historic preservation work on Marysville's Landmark Bok Kai Temple redirected him into full-time historic preservation

In 1981 he became Staff Historic Preservation Architect at the California State Office of Historic Preservation, evaluating California projects for conformance to the Secretary of the Interior's Standards. This was during the height of the very successful federal historic preservation investment tax credit program. Subsequently, he began serving on the State Historical Building Safety Board (SHBSB), first as the representative of the State Architect, and in 1991, as its executive director, retiring in 1996. Chief among his responsibilities were advice, counsel and training for owners, architects and jurisdictions on the application of California's State Historical Building Code. This Code is a unique, performance-oriented program which mandates reasonable alternatives to the otherwise often-deleterious requirements of regular codes and ordinances when applied to vintage properties.

As a preservation consultant, he served the Office of Historic Preservation on a part-time basis from 1997 through 2005, where his principal work involved the evaluation of California historic preservation projects under the federal government's nationwide Rehabilitation Investment Tax Credit Program. As such he is fully certified by the Department of the Interior. Although he no longer maintains a staff to produce construction documents, he continues to provide consultation services in the areas of historic preservation, residential and ecclesiastical architecture. He has given numerous talks statewide on various facets of historic preservation, to planning and building officials, historic resources commissions, architects and laymen. In addition he has collaborated as a consultant in the creation of preservation and maintenance manuals for National Register and National Historic Landmark buildings and districts owned by the federal government.

Robert is a member of the National Trust for Historic Preservation, and continues to serve on the State Historical Building Safety Board. He served many terms as member and two terms as chairman of Sutter County's Community Memorial Museum. He is currently the Vice Chairman of the Board of Directors of the Sutter County Historical Society and remains a member of the California Preservation Foundation, where he served for six years on its Board of Trustees.

SPECIALIZING IN HISTORIC PRESERVATION & RELATED CODE ISSUES
PO Box 648 - Yuba City CA 95992 - 530-673-1191 - fax-673-5036 - rmackensen@sbcglobal.net

CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING DESIGN REVIEW FOR THE REMODEL OF A SINGLE-FAMILY DWELLING AND GRANTING OF A VARIANCE, PLN08-0035, FOR A TWO-FOOT SIDE YARD SETBACK AT 1150 BAY STREET WHEREAS, on January 25, 2008 the applicant applied for a Major Design Review to add approximately 248 square feet to the ground floor, approximately 542 square feet to the second floor, convert approximately 630 square feet of basement area to habitable space, construct a 385 square foot front porch, and extend the rear deck by 32 square feet to an existing single-family dwelling at 1150 Bay Street; and

WHEREAS, the applicant was informed on February 25, 2008 that because the proposed project differed from that which was previously approved by the Historical Advisory Board through Certificate of Approval HAB-06-08 on May 4, 2006, a new Certificate of Approval was required prior to Design Review approval; and

WHEREAS, the application was deemed complete on March 26, 2008; and

WHEREAS, the Historical Advisory Board held public hearings on the application on August 7 and September 4, 2008, and approved Certificate of Approval HAB-08-19 on October 2, 2008; and

WHEREAS, the General Plan designation of the site is Low Density Residential; and

WHEREAS, the parcel is located within the R-1, One Family Residential Zoning District; and

WHEREAS, the Planning Board held a public hearing on this application on December 8, 2008 and has examined pertinent maps, drawings, and documents; and

WHEREAS, the Planning Board is able to make all of the following findings relative to Design Review approval, pursuant to §30-37.5 of the Alameda Municipal Code:

1. Projects must be compatible with their site, any adjacent or neighboring buildings or surrounds and promote harmonious transitions in scale and character in areas between different designated land uses.

The project will maintain the low-density residential character of the historic neighborhood and the improvements will not destroy historic materials or features and will not adversely impact the streetscape that characterizes the neighborhood. The design of the new porch will utilize a scale and proportion that will maintain the integrity of the building. The project will be compatible with the Secretary of Interior's Standards for the rehabilitation of historic buildings and has been approved by the City's Historical Advisory Board.

Attachment 1 Item 9-B 12/8/08 Planning Board Meeting Page 1 of 4

2. The project is consistent with the City of Alameda's Guide to Residential Design.

The style, fenestration and design elements of the addition will appear integral to the existing building and enhance its architectural style. The project will restore the building's integrity by removing the previous addition that was not consistent with the Tudor and Craftsman Transitional style architecture and the porch design is appropriate and compatible with those already existing in the neighborhood. The project will restore the original architectural character of the building, be compatible with the Secretary of Interior's Standards for the rehabilitation of historic buildings, and has been approved by the City's Historical Advisory Board.

WHEREAS, the Planning Board is able to make all of the following findings relative to the approval of the Variance for a reduced two-foot side yard setback, pursuant to §30-21.1 of the Alameda Municipal Code:

1. There are exceptional or extraordinary circumstances applying to the property involved or to the proposed use of the property.

The subject building was constructed in 1910, prior to the adoption of current zoning regulations. It is also listed on the Alameda Historical Building Study List and is a contributing house on a block containing many homes worthy of preservation. With the adoption of the current zoning regulations, certain aspects of the structure such as setbacks to side property lines became nonconforming because they were less than required. This combination of factors is an extraordinary circumstance of this property, which supports the need for a variance because the requested setback exception will maintain the historic relationship between the building and the property line. Since AMC §30-5.7 only permits walled additions to encroach into required side yard setbacks, any addition that does not have a solid wall, including a porch, can only be approved through a variance.

2. Because of such exceptional or extraordinary circumstances, the literal enforcement of the Zoning Ordinance standards would result in a practical difficulty or unnecessary hardship such as to deprive the applicants of a substantial property right possessed by other owners of property in the same class of district.

The proposed porch will have a consistent width of seven feet that wraps around from the side-facing entrance to the front of the building. Reducing the width of the porch along the side elevation to meet the side yard setback requirement will eliminate this proportionality and reduce the total width of the porch to three feet. In addition, the clear travel width would be reduced to only one-foot six-inches with the inclusion of the one-foot six-inch wide support columns. Finally, several other homes on this block have side-facing porches and front door entrances, including at least one that encroaches into the required side yard setback. Denial of the variance would deprive the owner of the ability to maintain an adequate and functional porch with side entry that other homes on the block currently have.

Attachment 1 Item 9-B 12/8/08 Planning Board Meeting Page 2 of 4

3. The granting of the variance will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to persons or property in the vicinity.

The edge of the eave above the porch will have a distance of two feet from the property boundary and the support columns will be constructed in the same location as the existing enclosed entrance and brick wall. Therefore, the current side yard setback will be maintained at floor level. The covered porch is located adjacent to the adjoining property's driveway and will not impede the movement of vehicles, adversely affect light or privacy, or be detrimental to the public welfare or injurious to persons or property in the vicinity.

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Board finds that the proposed project is Categorically Exempt from State CEQA Guidelines, Section 15301 for additions that are less than 10,000 square feet to an existing structure and Section 15331 for projects consistent with the Secretary of the Interior's Standards for the treatment of historic properties; and

BE IT FURTHER RESOLVED THAT the Planning Board of the City of Alameda hereby approves Design Review for the remodel of a single-family dwelling and grants a Variance to permit a two-foot side yard setback at 1150 Bay Street, PLN08-0035, subject to the following conditions:

- (1) This Design Review approval is valid for one year. Construction shall commence under valid permits prior to **December 8, 2009**, unless the applicant applies for and is granted an extension by Planning Division staff prior to this expiration date.
- (2) The plans submitted for Building Permit and construction shall be in substantial compliance with plans prepared by **Dan Adams**, received on **December 1, 2008** and on file in the office of the City of Alameda Planning and Building Department, except as modified by the conditions listed below.
- (3) The plans submitted for Building Permit and construction shall incorporate a window schedule and each condition of approval, other than this one, listed in this Resolution. The conditions shall be adequately identified on the plans under a heading titled "CITY OF ALAMEDA, CONDITIONS OF APPROVAL."
- (4) Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
- (5) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
- (6) Should archaeological resources be encountered during construction, work shall be halted within 50-feet of the find. The find shall then be evaluated by an archaeological consultant, approved by the City of Alameda, and appropriate mitigation measures developed. The Planning and Building Director shall review and approve any mitigation measures.

- (7) All new and replaced windows and window trim shall exactly match the appearance of the original windows and window trim.
- (8) All new siding shall match the size and texture of the original siding.
- (9) There shall be no new external installation of plumbing and/or vent pipes other than shown on the approved plans.
- (10) The final plans submitted for Building Permit approval shall conform to Building Code, Zoning Ordinance, and Alameda Design Guideline requirements.
- (11) Any other exterior changes shall be submitted for Planning Staff review and approval.
- (12) Planning Division staff site inspection is required prior to the final Building Inspection and/or prior to the issuance of Certificate of Occupancy. The applicant shall notify the Planning and Building Department at least four working days prior to the requested Planning Division inspection dates.
- (13) **HOLD HARMLESS.** The applicant, or its successors in interest, shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, its Redevelopment Agency, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding against the City of Alameda, Alameda Redevelopment Agency, Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, any approval or related decision to this project. This indemnification shall include, but is not limited to, all damages, costs, expenses, attorney fees or expert witness fees arising out of or in connection with the project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6

NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code Section 66020 (d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. The applicant is hereby further notified that the 90-day appeal period, in which the applicant may protest these fees and other exactions, pursuant to Government Code Section 66020 (a) has begun. If the applicant fails to file a protest within this 90-day period complying with all requirements of Section 66020, the applicant will be legally barred from later challenging such fees or exactions.

The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by filing with the Planning and Building Department a written notice of appeal stating the basis of appeal and paying the required fees.

Attachment 1 Item 9-B 12/8/08 Planning Board Meeting Page 4 of 4

CITY OF ALAMEDA

HISTORICAL ADVISORY BOARD
RESOLUTION NO. HAB-08-XX

A RESOLUTION OF THE HISTORICAL ADVISORY BOARD OF THE CITY OF ALAMEDA APPROVING CERTIFICATE OF APPROVAL, PLN07-0035, FOR THE DEMOLITION OF MORE THAN THIRTY PERCENT FOR A REMODEL AND ADDITION TO AN EXISTING DWELLING AT 1150 BAY STREET

WHEREAS, on January 25, 2008 the applicant applied for a Major Design Review to add approximately 248 square feet to the ground floor, approximately 542 square feet to the second floor, convert approximately 630 square feet of basement area to habitable space, construct a 385 square foot front porch, and extend the rear deck by 32 square feet to an existing single-family dwelling at 1150 Bay Street; and

WHEREAS, the applicant was informed on February 25, 2008 that because the proposed project differed from that which was previously approved by the Historical Advisory Board through Certificate of Approval HAB-06-08 on May 4, 2006, a new Certificate of Approval was required; and

WHEREAS, the application was deemed complete on March 26, 2008; and

WHEREAS, the General Plan designation of the site is Low Density Residential; and

WHEREAS, the parcel is located within the R-1, One Family Residence Zoning District; and

WHEREAS, the Board scheduled a public hearing on this application on June 5, 2008; and

WHEREAS, the applicant requested the application be continued to a future date; and

WHEREAS, the Historical Advisory Board held a public hearing on this application on August 7, 2008 and examined pertinent maps, drawings, documents and directed the applicant to return to the Board with a redesign for the proposed porch; and

WHEREAS, the Board held additional public hearings to reconsider this application on September 4, 2008 and October 2, 2008; and

WHEREAS, the Board made the following findings with regard to the proposed demolition, remodel, and addition to the dwelling:

- 1. The portions of the structure that would be demolished are original to the main structure, but do not represent the work of a master or possess high artistic values and are not related to a significant historic event or person.** The building was constructed in 1910 and was designed by A.W. Cornelius, a locally prominent architect who designed buildings throughout Alameda. Although alterations are being proposed to the west and south facing elevations to provide a partially covered porch,

Attachment 1 Item 7-A 10/2/08 Historical Advisory Board Meeting 1

no portions of the original structure will be demolished as part of this project. In addition, the proposed alterations will restore many original elements that were removed during the last several decades.

2. The proposed alterations are compatible with the Secretary of Interior Standards and are compatible with the City of Alameda Guide to Residential Design Standards. The proposed project will be compatible with the Secretary of Interior's Standards. In particular, the design will not destroy historic materials or features and will minimally impact the streetscape that characterizes the neighborhood. The design of the new porch will differentiate itself from the original building and will utilize a scale and proportion that will protect the integrity of the building. Finally, the new construction will be undertaken in such a manner that if removed in the future, the integrity of the building will not be compromised.

NOW, THEREFORE, BE IT RESOLVED that the Historical Advisory Board finds that the proposed project is Categorically Exempt from State CEQA Guidelines, Section 15301 for additions that are less than 10,000 square feet to an existing structure and Section 15331 for projects consistent with the Secretary of the Interior's Standards for the treatment of historic properties; and

BE IT FURTHER RESOLVED that the Historical Advisory Board finds that the partial demolition, remodel, and addition to the dwelling at 1150 Bay Street is approved subject to the following conditions:

- (1) This Certificate of Approval shall expire three (3) years after the date of approval or by October 2, 2011, unless demolition has begun under valid City permits prior to the date of expiration.
- (2) The plans submitted for building permit and construction shall be in substantial compliance with plans prepared by **Dan Adams**, received on **August 20, 2008**, and on file in the office of the City of Alameda Planning and Building Department, except as modified by the conditions listed below.
- (3) The Building Permit and construction plans shall incorporate the approved window schedule and each condition of approval, other than this one, listed in this Resolution. The conditions shall be adequately identified on the plans under a heading titled "CITY OF ALAMEDA, CONDITIONS OF APPROVAL."
- (4) Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
- (5) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
- (6) Should archaeological resources be encountered during construction, work shall be halted within 50' of the find. The find shall then be evaluated by an archaeological consultant, approved by the City of Alameda, and appropriate mitigation measures developed. The Planning and Building Director shall review and approve any

mitigation measures.

- (7) Planning Division staff site inspection is required prior to the final Building inspection and/or prior to the issuance of Certificate of Occupancy. The applicant shall notify the Planning and Building Department at least four working days prior to the requested Planning Division inspection dates.
- (8) Any other exterior changes shall be submitted for Planning Division staff review and approval prior to construction.
- (9) HOLD HARMLESS. The applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, its Redevelopment Agency, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, Alameda Redevelopment Agency, Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Planning and Building Department, Alameda City Planning Board, the City of Alameda Redevelopment Agency or City Council relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

The decision of the Historical Advisory Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by Notice of Appeal stating the appellant claims that either the Board's decision is not supported by its findings or its findings are not supported by the evidence in the record.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6

NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code Section 66020 (d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. The applicant is hereby further notified that the 90-day appeal period, in which the applicant may protest these fees and other exactions, pursuant to Government Code Section 66020 (a) has begun. If the applicant fails to file a protest within this 90-day period complying with all requirements of Section 66020, the applicant will be legally barred from later challenging such fees or exactions.

Approved:

Jon Biggs – Planning Services Manager/Secretary to the Historical Advisory Board
Attachment 1 Item 7-A 10/2/08 Historical Advisory Board Meeting 3

Letters of Supporting Neighbors

We want to be part of this neighborhood. We thank the many neighbors who have privately approached us with their support. We thank those who are willing to do so publicly. We thank the Historical Advisory Board and City Planning Department for their guidance. And we thank you for upholding their Approvals and helping my wife and me enjoy this terrace with our grandson.

From: Mark Schroeder and Karen Thompson
1021 Sherman St.
Alameda, CA 94501

To: Alameda City Council

Dear Council Members,

We have reviewed the proposed changes to the home at 1150 Bay and enthusiastically support the work to be done. It greatly improves the aesthetic quality of the house, improves the usefulness of the front area, and restores the front door to it's original position. We understand that this work will improve not only the value of the house, but of the neighborhood and is following all the pertinent rules and regulations. We strongly urge the council to approve this project.

Sincerely yours,

Mark Schroeder and Karen Thompson

Mark Schroeder
1021 Sherman St.
Alameda, CA 94501
P. 510-814-7382
F. 510-814-7382
mark@markschroeder.com
www.markschroeder.com

From: Margaret Lomba [mailto:lombacat@sbcglobal.net]
Sent: Tuesday, January 13, 2009 9:12 AM
To: Tricia Emerson
Subject: 1150 Bay Street

Members Alameda Council:
1150 Bay Street
Alameda, California

This email is in regard to the meeting January 20, 2009. The issue is final approval on the above project. We are in complete support of the project at 1150 Bay Street. We have reviewed the plans and drawings that have been presented they are in complete keeping with the original architecture of this home. It is an upgrade to the neighborhood to have this home returned to its original design. The homeowners have gone thru extensive research and expense to satisfy both the City of Alameda and their neighbors in all respects. Please allow them to continue.

Sincerely,

Margaret and Anthony Lomba
1100 Bay Street
Alameda, California 94501
January 13, 2009

From: John Diaz [mailto:newsdiaz@yahoo.com]
Sent: Tuesday, September 30, 2008 10:20 AM
To: dvu@ci.alameda.ca.us
Subject: 1150 Bay Street

Mr. Douglas Vu
Planner III
City of Alameda

Re: Proposal for 1150 Bay Street

Dear Mr. Vu:

I had the opportunity to review the architectural design for the Emerson Home Remodel on 1150 Bay Street, and I would like to offer my enthusiastic support for its approval.

I was very favorably impressed by the way its design preserved the character of the house and the neighborhood. I was particularly heartened by the incorporation of a front porch into the design. Front porches -- with their effect of softening the approach to a house and inviting neighborhood interaction within a block -- are one of the defining traits of the era, and one of the distinguishing characteristics of the Gold Coast. Many times (most recently, Sunday afternoon) I have found myself engaged in a spontaneous conversation with a neighbor who was enjoying the day on his or her front porch.

I was not surprised to hear that some opposition has arisen to this project. It is natural for people to oppose any change, especially in a neighborhood as distinctive as this one, and also to dread the prospect of an extended period of construction. I understand and appreciate their concerns. But I do believe that an objective review of this project will find that the owners and their design team have gone to extra lengths to respect the architectural integrity of the house, and its interrelation with the neighborhood. A neighborhood is enhanced when its residents are willing to exert this level of care and investment in their homes.

This is a special neighborhood, and the vigor with which its residents defend its character is one of the things that makes it so special. It is also a neighborhood of nearly century-old houses that require care, updating -- and, yes, sometimes architectural improvements -- to maintain their aesthetic and practical vitality. I believe the plans for 1150 Bay Street are consistent with this vision.

Sincerely,
John Diaz
1316 Bay Street

September 27, 2008

Historical Advisory Board
City of Alameda Planning Commission
Alameda, CA 94501

In Regard to the Emerson Home Remodel, 1150 Bay Street, Alameda, CA 94501

Esteemed Board:


As residents of Alameda and neighbors of Dale and Kay Emerson, we have been provided the opportunity to review and become familiar with their most recent proposed home remodel plans. These are the same plans as approved by the City of Alameda Planning Dept.

In consideration of the drawings and our review of the remodel of the house and its current setbacks, we would like to express our support of the historic rehabilitation of their home, including the addition of the front terrace.

We agree that the 1100 and 1200 blocks of Bay Street form one of Alameda's great streetscapes, AND believe the 1150 Bay rehabilitation plans preserve and improve the integrity of the historical character of this street. Specifically, the proposed terraced trellis design in the front of the house:

- Is pretty and integrates the home into the neighborhood.
- Does not interrupt our valued set backs or site lines. It does not extend beyond the current flower bed. It will be invisible from nearly every home in the neighborhood.
- Is well within the legal bounds established to protect the neighborhood, and has been approved by the City Planning Department.

We believe that the rehabilitated home will be a lovely and appropriate structure in our neighborhood.

 227 Lincoln Avenue Alameda 94501
Signature & Address

March 31, 2008

Historical Advisory Board
City of Alameda Planning Commission
Alameda, CA 94501

In Regard to the Emerson Home Remodel, 1150 Bay Street, Alameda, CA 94501

To Whom It May Concern:

As a close neighbor of Dale and Kay Emerson, I have been provided the opportunity to review and become familiar with their proposed home remodel plans.

In considering the architectural drawings and the proposed changes, I would like to give my support to the construction ideas, as presented to our neighborhood.

I have these additional comments for your consideration:

X

Signature

Print Name

Street Address

, Alameda, CA 94510

September 27, 2008

Historical Advisory Board
City of Alameda Planning Commission
Alameda, CA 94501

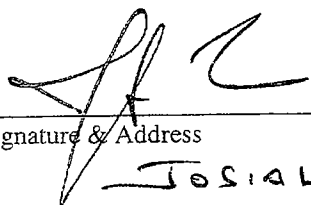
In Regard to the Emerson Home Remodel, 1150 Bay Street, Alameda, CA 94501

Esteemed Board:

As residents of Bay Street and neighbors of Dale and Kay Emerson, we have been provided the opportunity to review and become familiar with their most recent proposed home remodel plans. These are the same plans as approved by the City of Alameda Planning Dept.

In consideration of the drawings and our review of the remodel of the house and its current setbacks, we would like to express out support of the historic rehabilitation of their home, including the addition of the front terrace.

We believe that the rehabilitated home will be a lovely and appropriate structure in our neighborhood.


Signature & Address
1128 Bay St Alameda
JOSIAH LEWIS

March 31, 2008

Historical Advisory Board
City of Alameda Planning Commission
Alameda, CA 94501

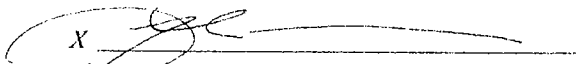
In Regard to the Emerson Home Remodel, 1150 Bay Street, Alameda, CA 94501

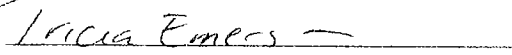
To Whom It May Concern:

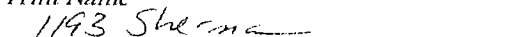
As a close neighbor of Dale and Kay Emerson, I have been provided the opportunity to review and become familiar with their proposed home remodel plans.

In considering the architectural drawings and the proposed changes, I would like to give my support to the construction ideas, as presented to our neighborhood.

I have these additional comments for your consideration:

X 
Signature


Print Name


Street Address, Alameda, CA 94510

March 31, 2008

Historical Advisory Board
City of Alameda Planning Commission
Alameda, CA 94501

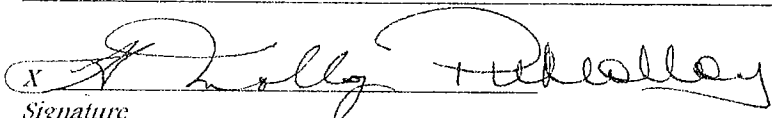
In Regard to the Emerson Home Remodel, 1150 Bay Street, Alameda, CA 94501

To Whom It May Concern:

As a close neighbor of Dale and Kay Emerson, I have been provided the opportunity to review and become familiar with their proposed home remodel plans.

In considering the architectural drawings and the proposed changes, I would like to give my support to the construction ideas, as presented to our neighborhood.

I have these additional comments for your consideration:


Signature
HELEN MOLLOY PETER MOLLOY
Print Name
1127 SHERMAN ST, Alameda, CA 94510
Street Address

March 31, 2008

Historical Advisory Board
City of Alameda Planning Commission
Alameda, CA 94501

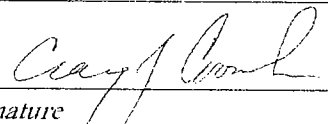
In Regard to the Emerson Home Remodel, 1150 Bay Street, Alameda, CA 94501

To Whom It May Concern:

As a close neighbor of Dale and Kay Emerson, I have been provided the opportunity to review and become familiar with their proposed home remodel plans.

In considering the architectural drawings and the proposed changes, I would like to give my support to the construction ideas, as presented to our neighborhood.

I have these additional comments for your consideration:

x 

Signature

Craig J. Coombs

Print Name

1193 Sherman St.
_____, Alameda, CA 94510
Street Address

CITY OF ALAMEDA RESOLUTION NO. _____

UPHOLDING THE HISTORICAL ADVISORY BOARD APPROVAL OF
CERTIFICATE OF APPROVAL (Resolution No. HAB-08-19)
AT 1150 BAY STREET

WHEREAS, on January 25, 2008 the applicant applied for a Major Design Review to add approximately 248 square feet to the ground floor, approximately 542 square feet to the second floor, convert approximately 630 square feet of basement area to habitable space, construct a 385 square foot front porch, and extend the rear deck by 32 square feet to an existing single-family dwelling at 1150 Bay Street; and

WHEREAS, the applicant was informed on February 25, 2008 that because the proposed project differed from that which was previously approved by the Historical Advisory Board through Certificate of Approval HAB-06-08 on May 4, 2006, a new Certificate of Approval was required; and

WHEREAS, the application was deemed complete on March 26, 2008; and

WHEREAS, the General Plan designation of the site is Low Density Residential; and

WHEREAS the parcel is located within the R-1, One Family Residence Zoning District; and

WHEREAS, the Board scheduled a public hearing on this application on June 5, 2008; and

WHEREAS, the applicant requested the application be continued to a future date; and

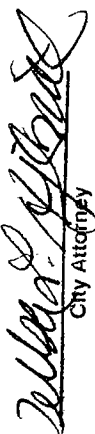
WHEREAS, the Historical Advisory Board held a public hearing on this application on August 7, 2008 and examined pertinent maps, drawings, documents and directed the applicant to return to the Board with a redesign for the proposed porch; and

WHEREAS, the Board held additional public hearings to reconsider this application on September 4, 2008 and October 2, 2008; and

WHEREAS, the Board made the following findings with regard to the proposed demolition, remodel, and addition to the dwelling:

1. The portions of the structure that would be demolished are original to the main structure, but do not represent the work of a master or possess high artistic values and are not related to a significant historic event or person. The building was constructed in 1910 and was designed by A.W.

Approved as to Form


City Attorney

Cornelius, a locally prominent architect who designed buildings throughout Alameda. Although alterations are being proposed to the west and south facing elevations to provide a partially covered porch, no portions of the original structure will be demolished as part of this project. In addition, the proposed alterations will restore many original elements that were removed during the last several decades.

2. The proposed alterations are compatible with the Secretary of Interior Standards and are compatible with the City of Alameda Guide to Residential Design Standards. The proposed project will be compatible with the Secretary of Interior's Standards. In particular, the design will not destroy historic materials or features and will minimally impact the streetscape that characterizes the neighborhood. The design of the new porch will differentiate itself from the original building and will utilize a scale and proportion that will protect the integrity of the building. Finally, the new construction will be undertaken in such a manner that if removed in the future, the integrity of the building will not be compromised.

WHEREAS, on October 13, 2008 an appeal of the Historical Advisory Board's approval of the project was filed with the City of Alameda; and

WHEREAS, on March 3, 2009 the City Council considered the appeal and the information relative to the appeal provided by the staff report and the public comments.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Alameda hereby finds that the proposed project is Categorically Exempt from additional environmental pursuant to California Environmental Quality Act (CEQA) Guidelines, Sections 15301(e)(2) Existing Facilities – Addition of less than 10,000 square feet to an existing structure, and Section 15331 Historical Resource Habilitation – Projects consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

BE IT FURTHER RESOLVED that the City Council of the City of Alameda hereby upholds the Historical Advisory Board's approval of Certificate of Approval HAB-08-19 subject to the following conditions:

1. The Certificate of Approval shall expire three (3) years after the date of approval or by October 2, 2011, unless demolition has begun under valid City permits prior to the date of expiration.
2. The plans submitted for building permit and construction shall be in substantial compliance with plans prepared by Dan Adams, received on December 1, 2008 and on file in the office of the City of Alameda Planning and Building Department, except as modified by the conditions listed below.
3. The Building Permit and construction plans shall incorporate the approved window schedule and each condition of approval, other than this one, listed in

this Resolution. The conditions shall be adequately identified on the plans under a heading titled "CITY OF ALAMEDA, CONDITIONS OF APPROVAL."

4. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
5. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
6. Should archaeological resources be encountered during construction, work shall be halted within 50' of the find. The find shall then be evaluated by an archaeological consultant, approved by the City of Alameda, and appropriate mitigation measures developed. The Planning and Building Director shall review and approve any mitigation measures.
7. All new and replaced windows and window trim shall exactly match the appearance of the original windows and window trim.
8. All new siding shall match the size and texture of the original siding.
9. There shall be no external installation of plumbing and/or vent pipes other than shown on the approved plans.
10. The final plans submitted for Building Permit approval shall conform to Building Code, Zoning Ordinance, and Alameda Design Guideline requirements.
11. Planning Division staff site inspection is required prior to the final Building inspection and/or prior to the issuance of Certificate of Occupancy. The applicant shall notify the Planning and Building Department at least four working days prior to the requested Planning Division inspection dates.
12. Any other exterior changes shall be submitted for Planning Division staff review and approval prior to construction.
13. **HOLD HARMLESS.** The applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, its Redevelopment Agency, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, Alameda Redevelopment Agency, Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Planning and Building Department, Alameda City Planning Board, the City of Alameda Redevelopment Agency or City Council relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision or any final action on any appeal, plus extensions authorized by California Code of Civil Procedure Section 1094.6.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 3rd day of March, 2009, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 4th day of March, 2009.

Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA

Memorandum

To: Honorable Mayor and
Members of the City Council

From: Debra Kurita
City Manager

Date: March 3, 2009

Re: Adopt a Resolution Approving a Revised Memorandum of
Understanding Between the Alameda Police Officers Association and
the City of Alameda for the Period of January 6, 2008 Through January
2, 2010

BACKGROUND

The proposed Memorandum of Understanding (MOU) between the City of Alameda and the Alameda Police Officers Association (APOA) is for the period of January 6, 2008 through January 2, 2010. The MOU is on file in the City Clerk's office.

DISCUSSION

The City of Alameda labor relations representatives have met in closed session with the City Council to discuss negotiations with the APOA. The revised MOU is a result of those negotiations and falls within the parameters authorized by the City Council. In a spirit of effective and responsible cooperation, the membership of the APOA has approved this agreement, which does not include any wage increases during the two-year term. The MOU does include some minor language modifications, revises the vacation benefit to a pay period accrual method, and extends the current health benefits through the term of the MOU.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The cost for implementation of the health and welfare benefit adjustments to the General Fund for Fiscal Year 2008-09 is approximately \$73,180. This cost was included in the FY 2008-09 budget as a projected benefit increase.

The cost for implementation of health benefit adjustments to the General Fund for Fiscal Year 2009-10 is approximately \$82,000. This cost will be appropriated in FY 2009-10 budget.

City Council
Report Re:
Agenda Item #6-C
03-03-09

RECOMMENDATION

Adopt a Resolution approving the revised Memorandum of Understanding between the Alameda Police Officers Association and the City of Alameda, for the period of January 6, 2008, through January 2, 2010.

Respectfully submitted,



Karen Willis
Human Resources Director

Approved as to funds and account,



Ann Marie Gallant
Interim Chief Financial Officer

Approved as to Form

[Signature]
City Attorney

CITY OF ALAMEDA RESOLUTION NO. _____

APPROVING REVISED MEMORANDUM OF UNDERSTANDING
BETWEEN THE ALAMEDA POLICE OFFICERS ASSOCIATION
AND THE CITY OF ALAMEDA FOR THE PERIOD
COMMENCING JANUARY 6, 2008 AND ENDING JANUARY 2,
2010

WHEREAS, there has been submitted to this Council a Memorandum of Understanding between the Alameda Police Officers Association and the City of Alameda; and

WHEREAS, the Council of the City of Alameda has fully examined said proposed Memorandum of Understanding, a copy of which is on file in the Office of the City Clerk, and thereby finds and determines adoption of said documents to be in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Alameda that said Council hereby approves and adopts said revised Memorandum of Understanding.

BE IT FURTHER RESOLVED that the provision of this Resolution shall supersede any other resolution in conflict herewith.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 3rd day of March, 2009, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 4th day of March, 2009.

Lara Weisiger, City Clerk
City of Alameda

Resolution #6-C
03-03-09

CITY OF ALAMEDA

Memorandum

To: Honorable Mayor and
Members of the City Council

From: Debra Kurita
City Manager

Date: March 3, 2009

Re: Introduce an Ordinance of the City of Alameda Amending Municipal Code Subsection 30-4.1 (R-1, One-Family Residence Districts) of Section 30-4 (District Uses and Regulations) of Article I (Zoning Districts and Regulations) of Chapter XXX (Development Regulations) by Deleting Subsection 30.4.1 in its Entirety and Replacing With a New Subsection 30-4.1 to Allow Ministerial Approval of Secondary Units on Sites Having a Single-Family Dwelling and Meeting Specific Standards

BACKGROUND

Assembly Bill 1866, which became effective in July 2003, amended the Government Code to encourage the creation of second units, which are also known as “granny” and “in-law” units or “accessory apartments.” The law requires that local governments provide for the ministerial consideration of second units that meet the adopted development standards. A ministerial act is one that does not require discretion; rather, a project is reviewed for adherence to a specific set of standards, as is the case for building permits. If the standards are met, the project is approved. The law is intended to encourage the creation of second units, not constrain their development. If localities do not adopt a second unit ordinance in accordance with the law, then the State standards for second units apply. The Alameda Municipal Code, which presently allows for attached second units subject to obtaining discretionary approvals (use permit and design review), needs to be amended so that it is compliant with State law.

AB 1866 also clarifies existing housing element law that allows a jurisdiction to consider its capacity for second units when addressing a locality’s share of the regional housing need. Revision of Alameda’s existing second unit ordinance is also in keeping with a policy of the City of Alameda’s Housing Element, which directs that the second unit ordinance be reviewed in order to make it a more attractive development tool.

The Planning Board held a workshop on second dwelling units on July 28, 2008, and considered the proposed ordinance at public hearings on November 24, 2008, and December 8, 2008. At its meeting of December 8, 2008, the Board recommended that the City Council adopt the proposed second unit ordinance, including a 7,500 square foot minimum lot size and a requirement that the principal or second unit be owner occupied.

City Council
Report Re:
Agenda Item #6-D
03-03-09

DISCUSSION

The proposed ordinance provides for the ministerial approval of second unit permit applications for sites developed with a single-family dwelling in residentially zoned districts and establishes the standards by which second units will be considered. These standards were developed to be in compliance with the State's second unit regulations and take into consideration the unique characteristics of Alameda's residential neighborhoods. The standards for second units are detailed in the proposed ordinance and summarized below:

- Requires that all coverage, yard area, and setback requirements of the R-1 District be met for new structures and additions to existing dwellings intended for second units, unless the requirements for exceptions provided for in Chapter 30 of the Alameda Municipal Code are met. Second units are not considered accessory structures.
- Provides an aggregate site coverage maximum so that open space and landscape opportunities are preserved.
- Incorporates a 7,500 square foot minimum lot size requirement for second unit sites so they integrate into residential neighborhoods.
- Requires that the owner's principal place of residence be either the primary or second unit.
- Allows a second unit to be attached to or detached from the primary living unit.
- Provides that when detached from the primary dwelling, the design of the second unit shall be consistent with that of the primary residence.
- Protects streetscapes by prohibiting changes to street facing exterior walls of existing single-family dwellings.
- Provides that when attached to the primary dwelling, the design of the second unit shall appear as an integral part of the primary dwelling.
- Establishes that an attached second unit shall have no more than one bedroom and contain no more than 600 square feet and no less than 350 square feet of habitable space.
- Establishes that when detached, a second unit shall have no more than one bedroom and contain no more than 600 square feet and no less than 350 square feet of habitable space. Limits detached second units to one story when primary residence is one story. For sites with two story dwellings, a detached unit may exceed one story.

- Requires that utilities extended to a detached second family dwelling be set underground.
- Prohibits the removal of protected trees.
- Prohibits the sale of second units.
- Requires one paved parking space for the second unit, which must be sited in compliance with zoning requirements.
- Requires that the parking space for a second unit be able to operate independently of other on-site parking spaces, a tandem space does not meet parking requirements.
- Allows for the ministerial approval of second unit permit applications.
- Provides for the appeal of denials of second unit applications to the Planning and Building Director.
- Establishes that a second unit is a residential use consistent with the general plan and zoning designation of the lot.
- Incorporates a use permit and design approval process for a second unit that does not meet code standards.
- Clarifies that historic preservation regulations remain applicable to sites on which a second unit is proposed.

The design of attached or detached second units must be consistent with the architecture of the primary building. Unlike new construction for other projects, the proposed code requires that the exterior materials, colors, roof pitch, and distinctive features match those of the primary residence. This is more specific than the architectural design guidelines, and the goal of this section is to require that second units match the architectural style of the existing dwelling. If the architecture of a second unit does not match that of the primary residence, it does not meet the code standards and would not be approved.

One element of the ordinance recommended by the Planning Board is a 7,500 square foot minimum lot size. Included with this agenda report are three maps (attachments 1-3) that reflect sites in residential zones R-1 through R-6 (Alameda Point excluded) and are developed with a single-family dwelling; thus, these sites are eligible for a second unit. The following table lists the number of sites in each square foot range of lot sizes identified on the maps:

Lot Size -	5,000 – 7,499	7,500 – 9,999	10,000 +
Number of Sites in Lot Size Range	3,637	520	139

This information was provided to the Planning Board and was the basis for their minimum lot size recommendation. During their deliberation, the Board noted that establishment of a minimum lot size would allow second units to better integrate into the community. Based on the proposed lot size minimum and the lot counts from the above table, there are 659 residentially zoned sites in Alameda that have the potential for establishing a second unit.

Another element of the ordinance proposed by the Planning Board is a requirement that either the primary unit or second unit be owner occupied. This provision would limit the flexibility of property owners to structure the form of ownership in the most efficient manner. In addition, the best way to confirm compliance with this condition would entail annual monitoring of these units by sending out certification forms to owners and tenants. This would result in additional administrative costs for the Planning and Building Department and an annual monitoring fee for the property owner. Therefore, staff recommends that the owner occupancy requirement be removed from the ordinance.

The 7,500 square foot minimum lot size provides more than 2,000 square feet of land area per unit in compliance with City Charter Article XXVI (Measure A). The second unit regulations also comply with the Measure A prohibition on multiple units (a structure with three or more dwelling units) because second units could only be proposed as an addition to a single-family dwelling, essentially forming a duplex, or as a free-standing single-family unit.

By promoting the development of second units, a community may ease a rental-housing deficit, maximize limited land resources; and assist low- and moderate- income homeowners with supplemental income. Second units can also increase the property tax base and contribute to the local affordable housing stock.

FINDINGS

The City is required to make certain findings prior to adopting zoning code amendments. The required findings and documentation are provided below.

1. The proposed zoning amendment does not affect the integrity of the General Plan.

If adopted, the proposed zoning text amendment will provide a more effective means of implementing a General Plan program by making second unit regulations a more attractive development tool.

2. The proposal is equitable.

Property owners will have a clear set of standards by which a second unit can be approved ministerially. The second unit ordinance was developed at public hearings at which public comment was considered, and the standards will allow second units to integrate into the community and equitably reflect the characteristics of the community.

FINANCIAL IMPACT

The anticipated fee charged to review and approve the second unit applications will recover the full cost associated with the implementation of these regulations. If one of the two units is the principal place of residence of the property owner, then annual monitoring for compliance with this condition is anticipated, and an annual fee sufficient to cover the costs associated with this monitoring would be necessary. It is anticipated that staff will expend the same amount of time reviewing a second unit application as it does reviewing a major design review application; therefore, the same application fee of \$319 plus time and materials is estimated. An annual fee of \$100 is projected to recover the cost of monitoring the units. A separate fee resolution will be submitted to the City Council setting fees for review of the second unit applications and, if necessary, annual monitoring of the units for compliance with second unit standards. All revenues generated from this service will be deposited into Fund 209-Planning and Building Fund.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

The proposed zoning code amendment will apply to Alameda Municipal Code Section 30-4.1 (R-1 One-Family Residence District) and is applicable to the other residential zoning districts (R-2 – R-6) in the City. It is also consistent with Housing Element policies of the current General Plan in that it provides a new opportunity for the development of housing, and specifically, it implements New Housing Development Program 3.m. by making the second unit regulations a more attractive development tool.

ENVIRONMENTAL REVIEW

In accordance with California Environmental Quality Act Guidelines, Section 15282 (h), the Ordinance for Second Units is statutorily exempt from Environmental Review.

RECOMMENDATION

Introduce an ordinance of the City of Alameda amending Municipal Code Subsection 30-4.1 (R-1, One-Family Residence Districts) of Section 30-4 (District Uses and Regulations) of Article I (Zoning Districts and Regulations) of Chapter XXX (Development Regulations) by deleting Subsection 30.4.1 in its entirety and replacing with a new Subsection 30-4.1 to allow ministerial approval of secondary units on sites having a single-family dwelling and meeting specific standards.

Respectfully submitted,


Cathy Woodbury
Planning and Building Director

Approved as to funds and account,


Ann Marie Gallant
Interim Finance Director

By:

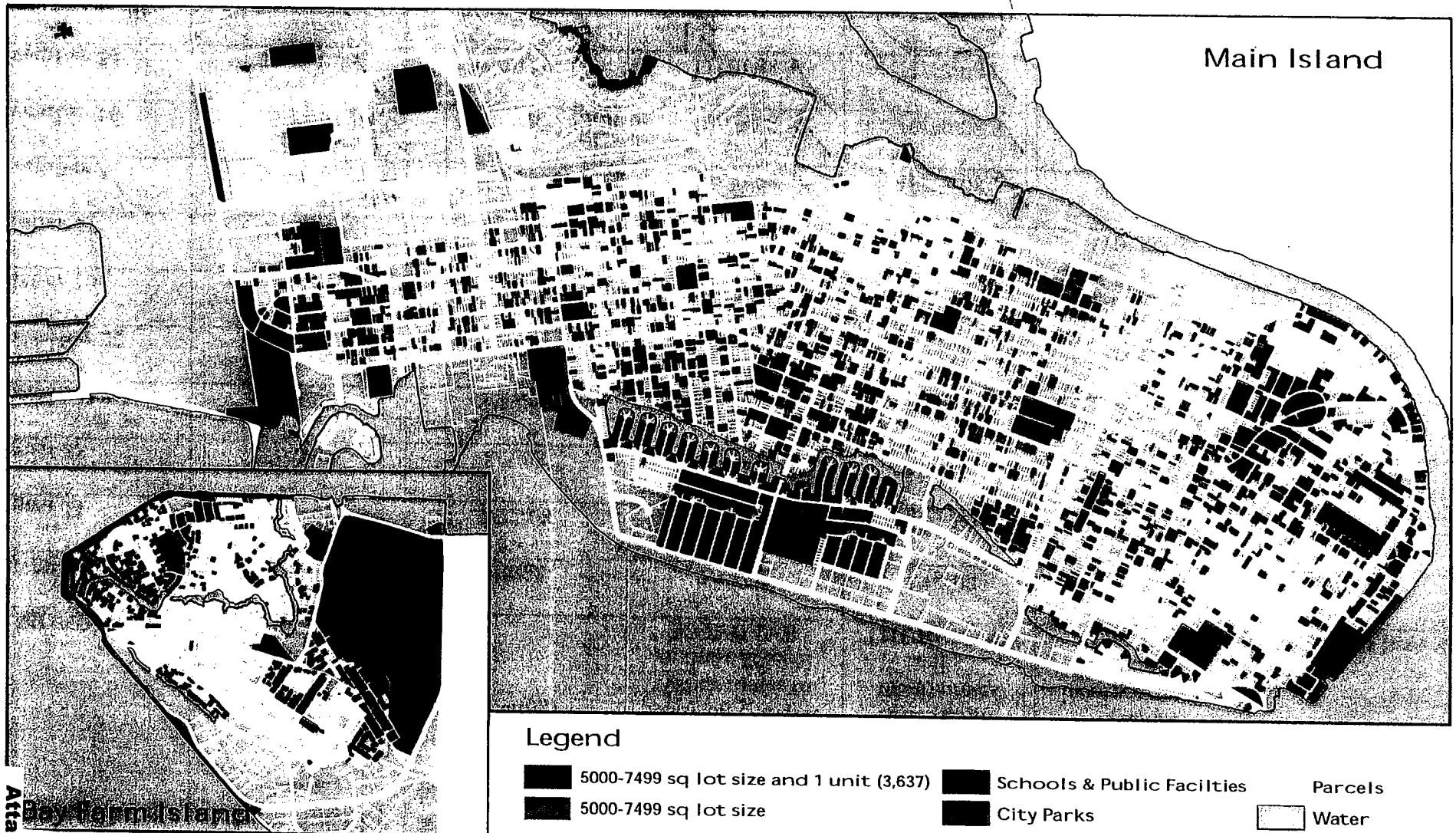

Jon Biggs
Planning Services Manager

Attachments:

1. Residentially Zoned Sites with One Dwelling Unit on Lots Ranging from 5,000 to 7,499 Square Feet
2. Residentially Zoned Sites with One Dwelling Unit on Lots Ranging from 7,500 to 9,999 Square Feet
3. Residentially Zoned Sites with One Dwelling Unit on Lots Ranging Greater Than 10,000 Square Feet

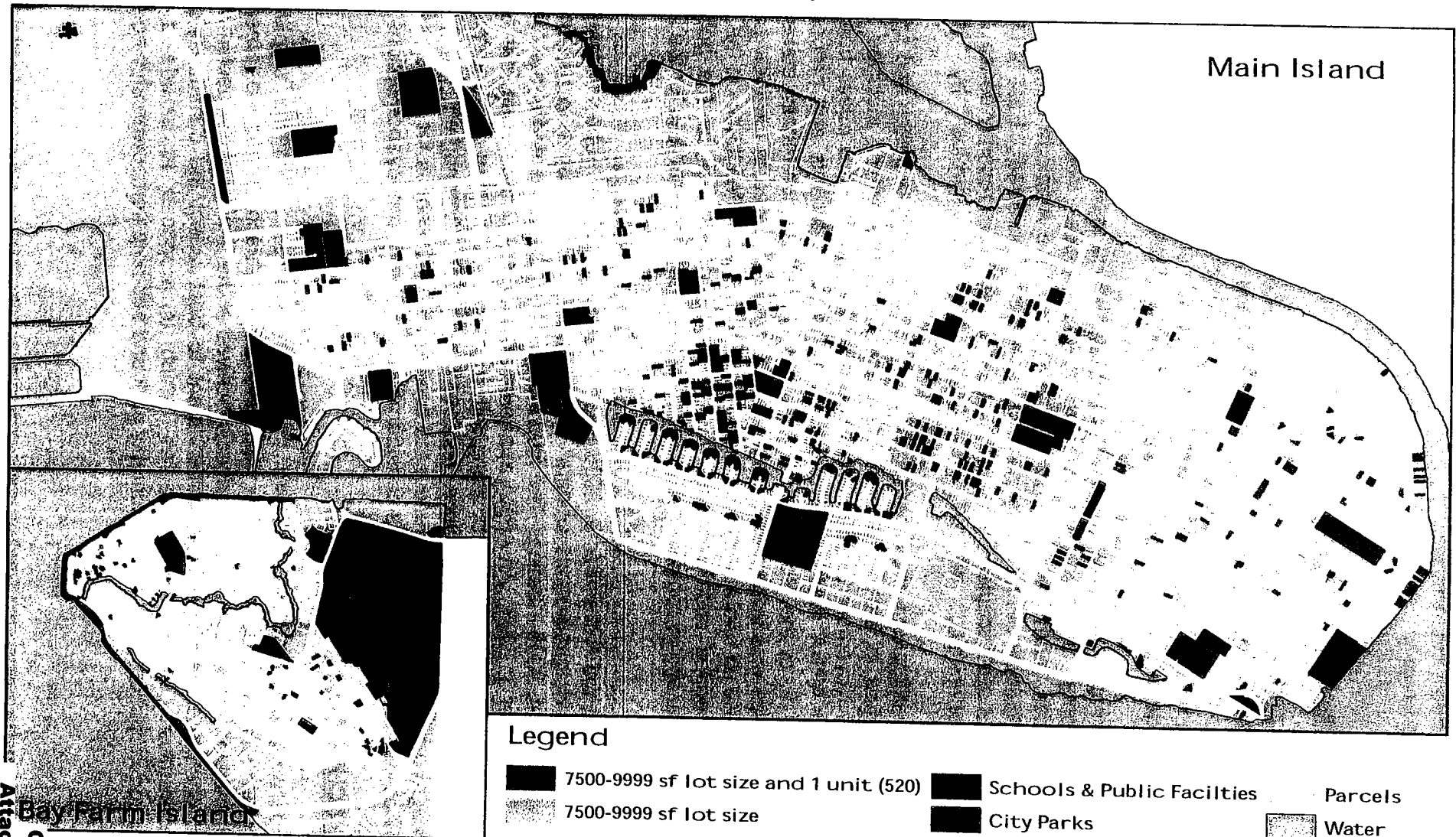
cc: Planning Board

Secondary Housing Unit Study - R-1 through R-6 Parcels 5,000 to 7,499 square feet



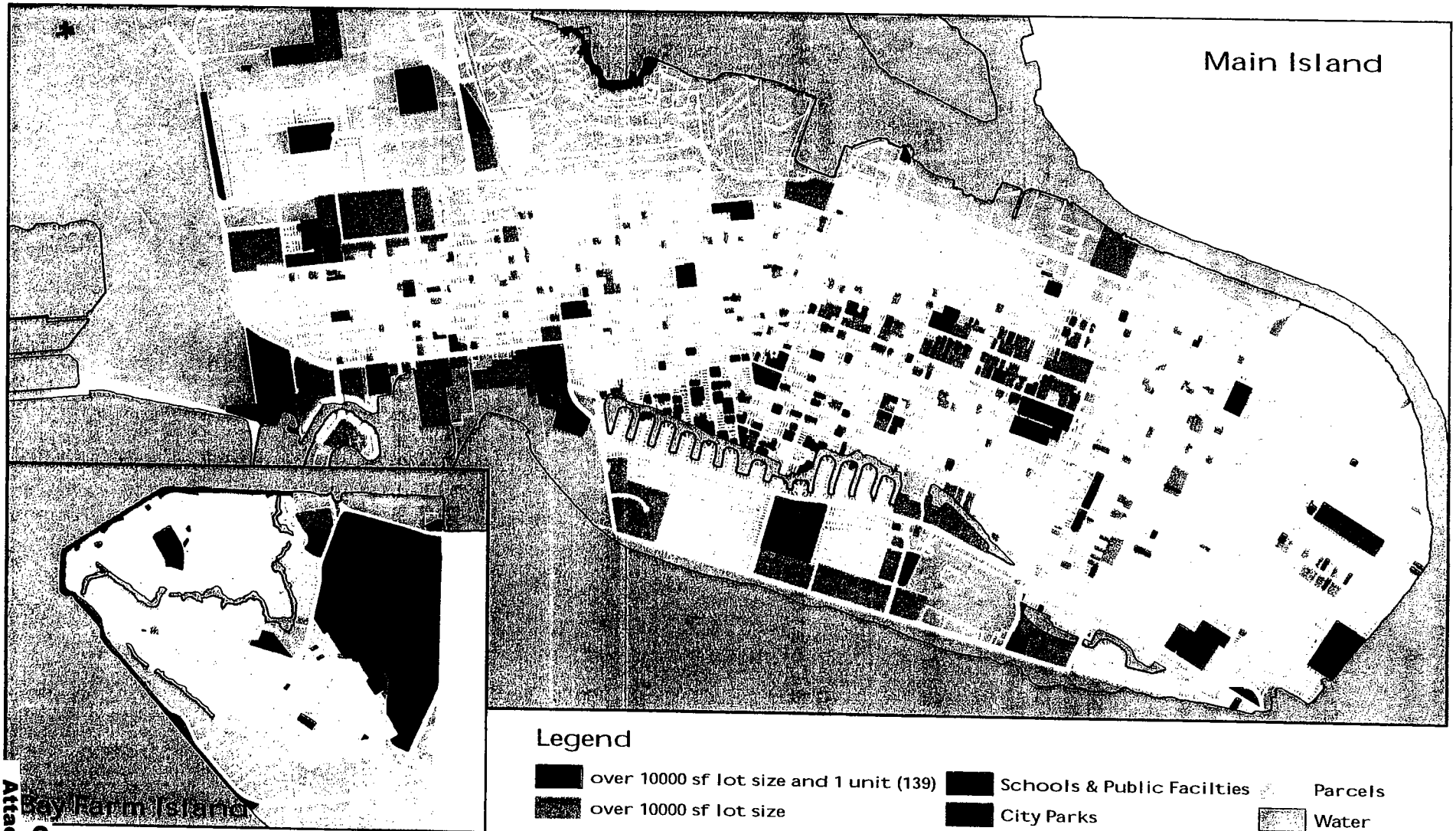
Source: © Canada County Assessment, 2000-2001

Secondary Housing Unit Study - R-1 through R-6 Parcels 7,500 to 9,999 square feet



Map data provided courtesy of the City of San Jose, 2006

Secondary Housing Unit Study - R-1 through R-6 Parcels over 10,000 square feet



Source: Alameda County Assessment Data Q1 2006

New Series

WHEREAS, the adoption of this ordinance regarding second units in residential zones district to implement the provisions of Government Code Section 65852.2 is statutorily exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(i).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALAMEDA DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance Adoption. Subsection 30-4.1 (R-1, One-Family Residence District) of Section 30.4 (District Uses and Regulations) of Article I (Zoning Districts and Regulations) of Chapter XXX (Development Regulations) of the Alameda Municipal Code is hereby deleted in its entirety and replaced with a new subsection 30-4.1 to read as follows:

30-4.1 R-1, One-Family Residence District.

a. General. The following specific regulations, and the general rules set forth in Section 30-5, shall apply in all R-1 Districts as delineated and described in the zoning maps. It is intended that this district classification be applied in areas subdivided and used, or designed to be used for one-family residential development, and that the regulations established will promote and protect a proper residential character in such districts.

b. Uses Permitted.

1. One-family dwellings, including private garages, accessory buildings and uses; reconstruction of destroyed two-family dwellings, provided that all zoning requirements other than density shall be met and that any requirement that would reduce the number or size of the units shall not apply; private, noncommercial swimming pools, boat landings, docks, piers and similar structures; and home occupations in compliance with the standards as set forth in Section 30-2 of this Code, to the satisfaction of the Planning and Building Director. Upon the approval of the Planning and Building Director, a Registration of Home Occupation form shall be completed and filed with the Planning and Building Department. Any property owner aggrieved by the approval or non-approval of the Planning and Building Director shall have the right to appeal such action to the City Planning Board in the manner and within the time limits set forth in Section 30-25 of this Code. Nothing contained herein shall be deemed to deny the right of appeal under Section 30-25 following the determination of the City Planning Board.

2. Agriculture, horticulture, home gardening, excluding retail sales of nursery products or the raising of rabbits, dogs, fowl or other animals for commercial purposes.

3. Underground and above ground utility installations for local service, except that substations, generating plants, gas holders, and transmission lines must be approved by the Planning Board prior to construction.

4. Public parks, schools, playgrounds, libraries, fire stations and other public buildings and uses included in the General Plan.
5. Signs: As provided in Section 30-6 of these regulations.
6. Multiple houses.
7. Family day care homes, Large and Family day care homes, as licensed by the State of California.
8. Residential care facilities providing care for no more than six (6) persons.
9. Second Units on a single parcel containing one single-family dwelling, when in compliance with the following standards:

- (a) All building coverage, yard areas, and setback requirements of the R-1 District shall be met for new structures and additions to existing dwellings intended for second units, unless the requirements for exceptions provided for in the Chapter 30, of the Alameda Municipal Code are met. Second units are not accessory structures.
- (b) Aggregate lot coverage of building footprint(s) and nonpermeable surfaces shall not exceed 60%.
- (c) The minimum lot size on which a Second Unit shall be allowed is 7,500 square feet.
- (d) The principal place of residence of the building site owner shall be either the Second Unit or the primary unit. If neither unit is owner-occupied, only one of the units on the site can be rented. However, an owner may be absent from their principal place of residence on the site for up to twelve consecutive months. The Planning and Building Director may grant two twelve month extensions to the initial twelve months at the request of the owner. Each unit on the site may be rented when the owner is absent from a site during this time period.
- (e) A Second Unit may be attached to or detached from the primary living unit.
- (f) When detached from the primary dwelling, the design of the Second Unit shall be consistent with that of the primary residence, incorporating the same materials, colors and style as the exterior of the primary dwelling, including roof materials and pitch, eaves, windows, accents, distinctive features, and character defining elements.
- (g) When attached to the primary dwelling, the design of the Second Unit shall appear as an integral part of the primary dwelling and incorporate the same materials, colors and style as the exterior of the primary dwelling, including roof materials and pitch, eaves, windows, accents, distinctive features, and character defining elements. Creation of the

second unit shall not involve any changes to existing street-facing walls nor to existing floor and roof elevations

- (h) An attached Second Unit shall have no more than one bedroom and contain no more than 600 square feet of habitable space, including the stairwell contained entirely within the second unit, if any, or be no more than 50 percent of the primary living unit, whichever is less. In no case shall the attached Second Unit be less than 350 square feet.
- (i) A detached Second Unit shall have no more than one bedroom and be no more than 600 square feet of habitable space and no less than 350 square feet of habitable space, including the stairwell contained entirely within the second unit, if any. Detached Second Units may exceed one story when the primary dwelling has more than one story; otherwise, the detached Second Unit may not exceed 16 feet in height, unless additional height is required to match the roof pitch of the primary dwelling. The Second Unit shall maintain the scale of and be visually compatible with adjoining residences and the residences in the immediate vicinity.
- (j) Utilities extended to a detached Second Unit shall be underground.
- (k) No protected tree(s) shall be removed to accommodate a Second Unit.
- (l) Property owner shall record a deed restriction prohibiting the separate sale of the Second Unit.
- (m) The Second Unit shall have one permanently surfaced parking space. The parking space shall be located in accordance with Section 30-7.8, Location of Parking Spaces and Prohibited Parking Areas.
- (n) The parking space for the Second Unit shall function independently of other parking spaces on the site. A tandem parking space shall not count as meeting the required parking for the Second Unit
- (o) Building permits for Second Units shall be issued when all the above standards are met. No discretionary action is required.
- (p) If applications for building permits for Second Units are rejected because the application fails to meet the standards listed herein, any appeal of that action shall be considered by the Planning and Building Director, who shall take action on the appeal based solely upon the Second Unit approval standards listed in Subsection 30-4.1 (b) (9), (a) through (s), of the Alameda Municipal Code.

- (q) Second Units which conform to the requirements of this section shall not be considered to exceed the allowable density for the lot upon which it is located and deemed a residential use consistent with the general plan and zoning designation of the lot.
- (r) Second Units that do not conform to the standards of this section may be established with use permit and design review approval.
- (s) The Planning and Building Director shall provide for annual owner certification that all provisions of this chapter and all conditions attached to the specific approval are being complied with. The council may, by resolution, provide for fees to cover the cost of certification.
- (t) Before obtaining a second unit building permit, the property owner shall file with the county recorder a declaration or an agreement of restrictions, which has been approved by the City Attorney as to its form and content, containing a reference to the deed under which the property was acquired by the owner and stating that:
 - (1) The second unit shall not be sold separately.
 - (2) The property owner agrees to an annual certification by the planning and building department to ensure that the provisions of the second unit ordinance are being complied with. The property owner agrees to pay an annual fee as prescribed by council resolution to cover the cost of this certification.
 - (3) In obtaining this permit the property owner understands and acknowledges that the City of Alameda has the right to enter and inspect for compliance with the rules and regulations enforced by the city. The property owner acknowledges that right and agrees to pay all costs incurred by the City in securing any judicial writ or inspection warrant to fulfill that right if the property owner fails to give consent for inspection. Said costs shall include all personnel time, attorney fees and the court cost incurred by the City to procure any judicial writ or inspection warrant.
 - (4) The restrictions shall be binding upon any successor in ownership of the property and lack of compliance shall result in legal action against the property owner.
- (u) Nothing in this section supersedes requirements for obtaining development permits pursuant to this chapter or for properties subject to the preservation of historical and cultural resources set forth in section 13-21 of Chapter XIII of the Alameda Municipal Code.

c. Uses Requiring Use Permits.

It is the intent in this paragraph that the following uses shall be reviewed by the Planning Board for their appropriateness in a specific location, or for such other factors as safety, congestion, noise, and similar considerations.

1. Public parks, schools, playgrounds, libraries, fire stations and other public buildings and uses not included in the General Plan.
2. Private and religious schools, day care centers and churches.
3. Community care facilities not listed under uses permitted.
4. Temporary tract sales offices, advertising signs, construction offices, equipment storage yards or structures therefore, which are incidental to the development during the construction and/or sales period.
5. Automobile parking lots and ancillary facilities for ferry terminals serving the general public, provided that
 - (a) Parking lots and ancillary facilities adjoin a commercial planned development zoned area or an industrially zoned area in which terminals are permitted;
 - (b) There is an entrance to the automobile parking lots and ancillary facilities for ferry terminals adjacent to nonresidential areas; and
 - (c) Any additional parking lot entrances adjacent to residentially zoned areas shall be allowed only if conditions are imposed to minimize the nonlocal automobile traffic to the terminal through the residential areas.

d. Minimum Height, Bulk and Space Requirements.

1. Lot Area: Five thousand (5,000) square feet per dwelling unit.
2. Lot Width: Fifty (50') feet.
3. Maximum Main Building Coverage: Forty (40%) percent of lot area; provided, however, that where the garage is attached to the main building the permitted lot coverage may be increased to forty-eight (48%) percent.
4. Building Height Limit: Not to exceed thirty (30') feet.
5. Front Yard: Twenty (20') feet. In any full block frontage of lots in a new residential development the Planning Board may approve front yards which vary from fifteen (15') to thirty (30') feet, provided that the average of all front yards in the block shall not be less than twenty (20') feet.
6. Side Yard: Side yards shall total not less than twenty (20%) percent of the lot width (as defined in Section 30-2--Definitions), and no side yard may either be less than five (5') feet or be required to be more than ten (10') feet. The side yard on the street side of a corner lot shall not be less than ten (10') feet.
7. Rear Yard: Twenty (20') feet. Not more than forty (40%) percent of the rear yard, as defined in Section 30-2 may be occupied by accessory buildings or structures (swimming pools excepted).
8. Yards for Corner Lot Adjacent to Key Lot: The side-yard setback on the street side of the corner lot, within twenty feet (20') of the side property line of the key lot, shall be equal to the front-yard of the key lot, as defined in Section 30-2, "yard, front," and no structure, excluding barriers, may be permitted within five (5') feet of the rear property line on the corner lot.
9. Off-Street Parking Space: As regulated in Section 30-7 of this Code.

Section 2. Severability Clause. It is the declared intent of the City Council of Alameda that if any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provision of this ordinance.

Section 3. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance hereby adopted, to the extent of such conflict only, are hereby repealed.

Section 4. This ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

Presiding Officer of the City Council

Attest:

Lara Weisiger, City Clerk
City of Alameda

* * * * *

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by Council of the City of Alameda in regular meeting assembled on the 3rd day of March, 2009 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 4th day of March, 2009.

Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA

Memorandum

To: Honorable Mayor and
Members of the City Council

From: Teresa L. Highsmith
City Attorney

Date: March 3, 2009

Re: Introduce an Ordinance to Amend the Alameda Municipal Code at Chapter II Article I (Council Meetings), Chapter II Article II (Historical Advisory Board) and Ordinance No. 1082 as Amended by Ordinance No. 2497 (Existing Pension Fund)

BACKGROUND

Eight measures to amend the City Charter were placed on the November 2008 ballot and were passed by the voters. There are several existing ordinances that are inconsistent with the new Charter amendments. Ordinances must be consistent with a city charter to be valid.

DISCUSSION

Measure Q, the first of the eight ballot proposals, was a nonsubstantive cleanup of Charter language. Among many edits contained in Measure Q was language to add more flexibility to establish Council meeting dates. Measure Q also clarified that amendment of the pension system requires the majority vote of the full City Council.

Measure X made changes to Charter provisions governing the Historical Advisory Board (HAB). The changes bring the HAB in line with other boards established by the Charter. Measure X eliminated the requirement of the HAB to follow Robert's Rules, allows the City Council to remove a HAB member in the same way as a member of any other board, and eliminated the ability of the HAB to take action by majority of quorum rather than majority of the full board. The proposed ordinance makes corresponding changes to the Alameda Municipal Code and relevant pension ordinance consistent with the Charter amendments passed by the voters.

The ordinance does not include provisions called for under Measure R. That measure requires that all contracts shall be in writing when the value is at an amount specified by ordinance. The ordinance setting the threshold will be agendized separately for City Council consideration.

**City Council
Report Re:
Agenda Item #6-E
03-03-09**

FINANCIAL IMPACT

There is no impact to the budget from adoption of the proposed ordinance.

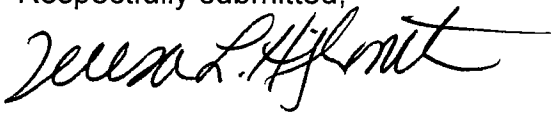
MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

The ordinance would amend Alameda Municipal Code Sections 2-1.1, 2-10.2d, 2-10.3, 2-10.4, and Ordinance No. 1082 as amended by Ordinance No. 2497.

RECOMMENDATION

Introduce an Ordinance to amend the Alameda Municipal Code at Chapter II Article I (Council Meetings), Chapter II Article II (Historical Advisory Board) and Ordinance No. 1082 as amended by Ordinance No. 2497 (Existing Pension Fund)

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Teresa L. Highsmith", with a long horizontal flourish extending to the right.

Teresa L. Highsmith
City Attorney

CITY OF ALAMEDA ORDINANCE NO. _____

New Series

AMENDING VARIOUS SECTIONS OF THE ALAMEDA MUNICIPAL CODE CONTAINED IN CHAPTER II ARTICLE I PERTAINING TO CITY COUNCIL MEETINGS, CHAPTER II ARTICLE II PERTAINING TO THE HISTORICAL ADVISORY BOARD, AND AMENDING ORDINANCE NO. 1082 AS AMENDED BY ORDINANCE NO. 2497 PERTAINING TO AN EXISTING PENSION FUND

WHEREAS, at the consolidated election of November 4, 2008, Alameda voters amended the City Charter by passage of Measures Q, R, S, T, U, V, W and X, and

WHEREAS, the Alameda Municipal Code needs to be modified to achieve consistency with the City Charter amendments, and

WHEREAS, Ordinance No. 1082 as amended by Ordinance No. 2497 regarding an existing pension fund needs to be modified to achieve consistency with the amendment to Charter Art. III Sec. 87(I) that was included in Measure Q;

BE IT ORDAINED by the City Council of Alameda that:

Sec. 1. City Council. The Alameda Municipal Code is hereby amended by modifying Section 2-1.1. Deleted text is shown in strikeout and new text is underlined.

2-1.1. Council meetings.

The regular meetings of the City Council shall be held in the designated location of the City Hall ~~on the first and third Tuesdays of each month at 7:30 p.m. in the calendar year as fixed by resolution in December of the preceding year, except when a meeting day falls upon a holiday, in which case the meeting shall be held on the next succeeding business day at the same hour. Provided, however, that the regular meeting scheduled for the third Tuesday of the month next succeeding the month in which the General Municipal Election is held shall commence at 8:00 p.m.~~ All meetings shall be open and public, except as otherwise provided by law. If it reasonably appears to the Clerk of the Council that: (a) the Council Chamber is not large enough to accommodate the number of persons likely to attend any meeting, or (b) special facilities other than the Chamber are required for a particular meeting, or (c) a meeting will constitute a joint session with another agency to be held at the latter's usual meeting place, or (d) advantages exist in having an on-site meeting, the Clerk may, with consent of the Mayor, give appropriate written or oral notice at the commencement thereof that such meeting will be called to order in the Council Chamber and thereupon continued to the time and place required by reason of the special circumstances hereinabove mentioned.

Re: Agenda Item #6-B

03-03-09

(VERSION SHOWING CHANGES)

Sec. 2. Historical Advisory Board. The Alameda Municipal Code is hereby amended by modifying Section 2-10.2d. Deleted text is shown in strikeout and new text is underlined:

2-10.2d Any member may be removed from the Board by ~~the affirmative vote of four (4) members of the City~~ majority vote of Council, ~~for reasons of residency, malfeasance or moral turpitude.~~

Sec. 3. The Alameda Municipal code is hereby amended by modifying Sec. 2-10.3. Deleted text is shown in strikeout:

2-10.3 Meetings; Officers; Rules.

The Board shall hold regular meetings on the first Thursday of each month in the City Council Chambers, unless proper notification is given for a change of location or time, and shall hold such additional meetings as it determines to be necessary for discharge of its responsibilities hereunder. The Board shall select a Chairperson and Vice Chairperson from their membership who shall each serve for one (1) year terms or until successors are appointed. Office holders may be returned to office.

The City Manager or his/her designate shall be the Board's Secretary and he/she shall cause minutes and records of the Board's meetings to be kept. ~~Robert's Rules of Order shall be used in the conduct of all meetings.~~

Sec. 4. The Alameda Municipal Code is hereby amended by modifying Sec. 2-10.4. Deleted text is shown in strikeout, and new text is underlined:

2-10.4 Quorum. ~~Three (3) members~~ A majority of the entire membership of the Board shall constitute a quorum.

Sec. 5. Ordinance No. 1082 as amended by Ordinance No. 2497 is hereby amended by modifying Sec. 28. Deleted text is shown in strikeout, and new text is underlined:

Section 28. Amendment or Repeal

This ordinance shall not be amended except by ~~the vote of (5) members of the~~ majority vote of the full Council, and shall not be repealed except by a vote of the people.

Sec. 6. This Ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

Sec. 7. Severability Clause. It is the declared intent of the City Council of Alameda that if any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

CITY OF ALAMEDA ORDINANCE NO. _____

New Series

AMENDING VARIOUS SECTIONS OF THE ALAMEDA MUNICIPAL CODE CONTAINED IN CHAPTER II ARTICLE I PERTAINING TO CITY COUNCIL MEETINGS, CHAPTER II ARTICLE II PERTAINING TO THE HISTORICAL ADVISORY BOARD, AND AMENDING ORDINANCE NO. 1082 AS AMENDED BY ORDINANCE NO. 2497 PERTAINING TO AN EXISTING PENSION FUND

WHEREAS, at the consolidated election of November 4, 2008, Alameda voters amended the City Charter by passage of Measures Q, R, S, T, U, V, W and X, and

WHEREAS, the Alameda Municipal Code needs to be modified to achieve consistency with the City Charter amendments, and

WHEREAS, Ordinance No. 1082 as amended by Ordinance No. 2497 regarding an existing pension fund needs to be modified to achieve consistency with the amendment to Charter Art. III Sec. 7(l) that was included in Measure Q;

BE IT ORDAINED by the City Council of Alameda that:

Sec. 1. City Council. The Alameda Municipal Code is hereby amended by modifying Section 2-1.1. Deleted text is shown in strikeout and new text is underlined.

2-1.1. Council meetings.

The regular meetings of the City Council shall be held in the designated location of the City Hall at 7:30 p.m. in the calendar year as fixed by resolution in December of the preceding year. All meetings shall be open and public, except as otherwise provided by law. If it reasonably appears to the Clerk of the Council that: (a) the Council Chamber is not large enough to accommodate the number of persons likely to attend any meeting, or (b) special facilities other than the Chamber are required for a particular meeting, or (c) a meeting will constitute a joint session with another agency to be held at the latter's usual meeting place, or (d) advantages exist in having an on-site meeting, the Clerk may, with consent of the Mayor, give appropriate written or oral notice at the commencement thereof that such meeting will be called to order in the Council Chamber and thereupon continued to the time and place required by reason of the special circumstances hereinabove mentioned.

Sec. 2. Historical Advisory Board. The Alameda Municipal Code is hereby amended by modifying Section 2-10.2d. Deleted text is shown in strikeout and new text is underlined:


Cecilia S. Gault
City Attorney

2-10.2d Any member may be removed from the Board by majority vote of Council.

Sec. 3. The Alameda Municipal code is hereby amended by modifying Sec. 2-10.3. Deleted text is shown in ~~strikeout~~:

2-10.3 Meetings; Officers; Rules.

The Board shall hold regular meetings on the first Thursday of each month in the City Council Chambers, unless proper notification is given for a change of location or time, and shall hold such additional meetings as it determines to be necessary for discharge of its responsibilities hereunder. The Board shall select a Chairperson and Vice Chairperson from their membership who shall each serve for one (1) year terms or until successors are appointed. Office holders may be returned to office. The City Manager or his/her designate shall be the Board's Secretary and he/she shall cause minutes and records of the Board's meetings to be kept.

Sec. 4. The Alameda Municipal Code is hereby amended by modifying Sec. 2-10.4. Deleted text is shown in ~~strikeout~~, and new text is underlined:

2-10.4 Quorum. A majority of the entire membership of the Board shall constitute a quorum.

Sec. 5. Ordinance No. 1082 as amended by Ordinance No. 2497 is hereby amended by modifying Sec. 28. Deleted text is shown in ~~strikeout~~, and new text is underlined:

Section 28. Amendment or Repeal

This ordinance shall not be amended except by majority vote of the full Council, and shall not be repealed except by a vote of the people.

Sec. 6. This Ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

Sec. 7. Severability Clause. It is the declared intent of the City Council of Alameda that if any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Presiding Officer of the City Council

Attest:

Lara Weisiger, City Clerk
City of Alameda

* * * * *

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by Council of the City of Alameda in regular meeting assembled on the 3rd day of March, 2009 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 4th day of March, 2009.

Lara Weisiger, City Clerk
City of Alameda

CURRENT APPLICATIONS
SOCIAL SERVICE HUMAN RELATIONS BOARD
ONE VACANCY
(PARTIAL TERM EXPIRING JUNE 30, 2009)

Sean Cahill

Ardella Dailey

Ouida Cooper-Rodriguez

Janelle Green

UNAPPROVED
MINUTES OF THE SPECIAL JOINT ALAMEDA REUSE AND
REDEVELOPMENT AUTHORITY (ARRA) AND
COMMUNITY IMPROVEMENT COMMISSION (CIC) MEETING
TUESDAY- -FEBRUARY 3, 2009- -7:31 P.M.

Chair Johnson convened the Special Meeting on February 4, 2009 at 12:10 a.m.

ROLL CALL - Present: Board Members/Commissioners deHaan, Gilmore, Matarrese, Tam, and Mayor/Chair Johnson - 5.

Absent: None.

CONSENT CALENDAR

Chair Johnson announced that the recommendation to authorize the use of \$350,000 [paragraph no. 09- CIC/ARRA] would be removed from the Consent Calendar for discussion.

Board Member/Commissioner deHaan moved approval of the remainder of the Consent Calendar. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

Board Member/Commission Tam seconded the motion, which carried by unanimous voice vote - 5.

(*09- CIC) Minutes of the Special Joint City Council and CIC Meeting, and the Special CIC Meeting held on January 6, 2009. Approved.

(09- CIC/ARRA) Recommendation to authorize the use of \$350,000 of Tax Exempt Bond Funds from the Merged Area Bond (Funds 201.11 and 201.15) and appropriate the funds for use for the Fleet Industrial Supply Center (FISC) Emergency Water Repairs and Electrical Upgrades at Park Street and Buena Vista Avenue; and authorize FISC Lease Revenue for additional annual support of the Façade Grant Program.

The Developer Services Director gave a brief presentation.

Board Member/Commissioner Gilmore requested an explanation of the \$390,000 returned from the Library.

The Development Services Director stated the 2003 Merged Bond Project pledged \$1 million for the Library; the Library did not use

all of the money and returned \$690,000; \$300,000 has been spent for the second floor theatre seating.

Chair Johnson stated the Façade Grant Program is one of the most important things the City does, especially for small businesses; the Buena Vista Avenue and Park Street electrical project will affect all of Park Street and became an issue when the Market Place was established.

Board Member/Commissioner deHaan inquired whether underground projects cannot be taken from Alameda Municipal Power's (AMP's) undergrounding efforts.

The Development Services Director responded the City has a list of priority underground projects; stated the City needs to partner with AMP and the Redevelopment Agency to perform multiple economic efforts.

Speaker: Robb Ratto, Park Street Business Association.

Board Member/Commissioner Matarrese moved approval of the staff recommendation with the following amounts: \$450,000 for water repairs and \$350,000 for electrical upgrades and the Façade Grant Program for a total of \$800,000.

Board Member/Commissioner deHaan seconded the motion, which carried by unanimous voice vote - 5.

AGENDA ITEMS

(09- CIC) Recommendation consider an amendment to the Lease Agreement of 2315 Central Avenue between the CIC of the City of Alameda, Lessor, and Alameda Wine Company, LLC, Tenant.

The Development Services Director gave a brief presentation.

Speakers: Karen Ulrich, Alameda Wine Company owner; Jon Spangler, Alameda; Jim Foster, Alameda.

Chair Johnson stated operating hours were outlined in the lease because the Commission did not want dead zones near the theatre; the business plan does not seem to be fully implemented; the owner needs to determine whether she can run her business in a way that complies with the lease requirements; otherwise, the owner should consider moving to another location.

Commissioner Gilmore concurred with Chair Johnson; stated the Commission considered many potential tenants for the space and had specific hours of operation; many potential tenants that could not do lunch hours were disqualified; the owner would not have been granted the lease for just a bar.

Commissioner deHaan stated starting a new business is a challenge; the owner would go back to full hours if the right mix is found; a lot of money has been forgiven at Alameda Point; a six month trial period is reasonable.

Chair Johnson stated there are reasons for business hours; businesses need to be open to have a customer base.

Commissioner Gilmore stated the business is already profitable later in the day and in the evening; that she does not understand how the business would be built up by closing from 11:00 a.m. to 4:00 p.m.

Commissioner Matarrese stated the Commission was very clear on the lease provisions; the business is profitable now and ahead of projections; dead hours cannot be addressed if the business is not open; that he does not see the advantage of reducing hours; a change in the lease is premature.

Commissioner Matarrese moved approval of deferring any change to the lease until the business faces possible closure.

Chair Johnson stated the business owner needs to implement the original business plan; changes need to be made.

Commissioner Gilmore seconded the motion.

Under discussion, Commissioner Tam stated that she would abstain from voting on the matter; the staff report suggests the need for more marketing; that she does not feel there is enough information to tell the business owner how the business should be operated.

Commissioner Gilmore stated that the business owner should live up to the terms of the lease; the hours of operation are very clear.

Commissioner deHaan stated the business owner needs some leeway; the City needs to work with the business owner.

Commissioner Matarrese stated street activity was part of the plan to renovate the theatre and build the parking structure; the business plan is a good model; the retail side needs to be

reviewed; salvaging the business might be an option if the business was in the red and in danger of folding; the business is profitable and is almost a year ahead of projections.

Commissioner deHaan stated the theatre developer was going to open a wine bar in the theatre and that has not happened; hours of operation would be limited.

The Development Services Director stated the theatre developer discussed opening a wine bar at the same time; the lease does not require a wine bar be built upstairs.

On the call for the questions, the motion carried by the following voice vote: Ayes: Commissioners Gilmore, Matarrese, and Chair Johnson - 3. Noes: Commissioner deHaan - 1. Abstentions: Commissioner Tam - 1.

(ARRA) Recommendation to approve a Five Year Lease and Repayment Plan/Write-off with AC Hornet Foundation.

[Note: The minutes for this item are part of the ARRA record]

(ARRA) Recommendation to approve an amendment to Consultant Contract with Harris & Associates for On-Call Services for Review of Land Development Entitlement Applications for Redevelopment of Alameda Point. Continued.

ORAL REPORTS

(ARRA) Oral Report from Member Matarrese, Restoration Advisory Board (RAB) - Highlights of January 8th Alameda Point RAB Meeting.

[Note: The minutes for this item are part of the ARRA record]

ADJOURNMENT

There being no further business, Chair Johnson adjourned the Special Joint Meeting at 1:22 a.m.

Respectfully submitted,

Lara Weisiger
Secretary, Community Improvement
Commission

The agenda for this meeting was posted in accordance with the Brown Act.

CITY OF ALAMEDA

Memorandum

To: Honorable Chair and
Members of the Community Improvement Commission

From: Debra Kurita
Executive Director

Date: March 3, 2009

Re: Adopt a Resolution Referring the Proposed Ninth Amendment to the Community Improvement Plan for the Business and Waterfront Community Improvement Project and the Proposed Seventh Amendment to the Community Improvement Plan for the West End Community Improvement Project to the Planning Board of the City of Alameda for Report and Recommendation and to the Economic Development Commission for Review and Consideration

BACKGROUND

In 2003, a Fifth Amendment to the Community Improvement Plan for the Business and Waterfront Improvement Project (BWIP) and a Fourth Amendment to the Community Improvement Plan for the West End Community Improvement Project (WECIP) (collectively, the Prior Amendments) were adopted. The prior amendments, among other things, merged the BWIP and WECIP Project Areas, and added area formerly in the Alameda Point Improvement Project to the BWIP Project Area (Exchange Area). Since the primary purpose of merging project areas is to increase the economic vitality of project areas by authorizing tax increment funds from one project area to be used in another project area, it is typical that if the two project areas being merged have tax increment dollar amount limits, the amounts are combined as a single limit for the two areas being merged. The areas of the BWIP and WECIP Projects in existence prior to adoption of the prior amendments were required to have a tax increment dollar amount limit; therefore, the prior amendments did combine the two existing tax increment dollar amount limits for the Merged WECIP/BWIP Project Area. However, certain provisions of the prior amendments are ambiguous as to whether this combined limit applies to the Exchange Area. The purpose of the technical amendments to the BWIP and WECIP Plans (proposed amendments) is to clarify that the combined tax increment dollar amount limit does not apply to the Exchange Area, consistent with the intent of the prior amendments and the provisions of the Community Redevelopment Law (Health and Safety Code Section 33000, et seq.).

CIC

Report Re:

Agenda Item #2-B

03-03-09

DISCUSSION

Pursuant to Section 33333.4 (a)(1) and (g)(1) of the Community Redevelopment Law, redevelopment plans and plan amendments adding area adopted prior to January 1, 1994, are required to have a tax increment dollar amount limit. After January 1, 1994, all redevelopment plans and plan amendments adding area were no longer required to have this limit, as certain tax increment time limits were required instead. The WECIP and BWIP were each originally adopted prior to January 1, 1994 and, therefore, were required to have the tax increment dollar limit. Since the Fifth Amendment to the BWIP Plan adding the Exchange Area was adopted after January 1, 1994, the tax increment dollar amount limit requirement is not applicable to the Exchange Area.

The prior amendments added together the individual tax increment dollar amount limits of the BWIP and WECIP Project Areas into a single combined tax increment dollar amount for the Merged WECIP/BWIP Project Area. The prior amendments did not increase or decrease these existing limits; they merely combined the existing limits.

The Fifth Amendment to the BWIP defined the area being added as the "Exchange Area" and the original portion of the BWIP Project Area as the "Original Project Area"; however, the language in the prior amendments states that the combined tax increment dollar limit pertains to the Merged WECIP/BWIP Project Area. To address this ambiguity and clarify that the combined tax increment dollar limit does not apply to the Exchange Area, it is recommended that the BWIP and WECIP Plans be amended to clarify that the combined tax increment dollar limit pertains to the WECIP Project Area and only the Original Project Area portion of the BWIP Project Area. If the proposed amendments are not adopted, the existing ambiguous language could leave the tax increment dollar amount limit's applicability to the Exchange Area open to interpretation, which could result in untimely delays and additional costs to resolve, particularly in connection with any future bond financing or refinancing.

FINANCIAL IMPACT

Other than the administrative and legal costs of preparing and adopting the proposed amendments, which are budgeted in the Development Services Department's account for consulting services, there is no financial impact. The proposed amendments do not add projects or increase costs of implementing the existing projects and do not increase or change any existing financial limits in the BWIP and WECIP Plans.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

The proposed amendments to the BWIP and WECIP Plans are for technical clarification purposes only, but will eliminate any ambiguity, which will assist in meeting the goals of the City of Alameda's Business and Waterfront and West End Community Improvement Plans.

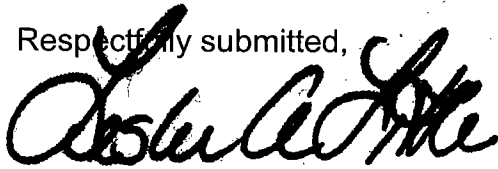
ENVIRONMENTAL REVIEW

No environmental review is required. The proposed amendments make only technical clarifications to the language contained in the previously adopted prior amendments and will not result in a direct or reasonably foreseeable indirect physical change in the environment; therefore, it is not a "project" under the California Environmental Quality Act. In addition, a Mitigated Negative Declaration was approved for the prior amendments on March 18, 2003, by Commission Resolution No. 03-107.

RECOMMENDATION

Adopt the resolution referring the proposed Ninth Amendment to the Community Improvement Plan for the Business and Waterfront Improvement Project and the proposed Seventh Amendment to the Plan for the West End Community Improvement Project Area to the Planning Commission for its report and recommendation and to the Economic Development Commission for review and consideration.

Respectfully submitted,



Leslie A. Little
Development Services Director

Approved as to funds and account,



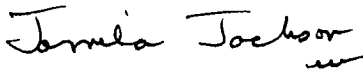
Ann Marie Gallant
Interim Finance Director

By:




Dorene E. Soto
Manager, Business Development Division

By:



Jamila Jackson
Development Manager, Housing

DK/LAL/DES/JJ/rv

Approved as to Form

City Attorney

COMMISSION RESOLUTION NO. _____

RESOLUTION OF THE COMMUNITY IMPROVEMENT COMMISSION OF THE CITY OF ALAMEDA REFERRING THE PROPOSED NINTH AMENDMENT TO THE COMMUNITY IMPROVEMENT PLAN FOR THE BUSINESS AND WATERFRONT COMMUNITY IMPROVEMENT PROJECT AND THE PROPOSED SEVENTH AMENDMENT TO THE COMMUNITY IMPROVEMENT PLAN FOR THE WEST END COMMUNITY IMPROVEMENT PROJECT TO THE PLANNING BOARD OF THE CITY OF ALAMEDA FOR REPORT AND RECOMMENDATION AND TO THE ECONOMIC DEVELOPMENT COMMISSION FOR REVIEW AND CONSIDERATION

WHEREAS, the City of Alameda ("City") adopted a Fifth Amendment to the Community Improvement Plan for the Business and Waterfront Improvement Project on April 1, 2003 by Ordinance No. 2896 ("BWIP Fifth Amendment"), and a Fourth Amendment to the Community Improvement Plan for the West End Community Improvement Project on April 1, 2003, by Ordinance No. 2897 ("WECIP Fourth Amendment"); and

WHEREAS, the Community Improvement Commission of the City of Alameda ("CIC") wishes to revise the Community Improvement Plan for the Business and Waterfront Improvement Project ("BWIP Plan") and the Community Improvement Plan for the West End Community Improvement Project ("WECIP Plan") to make technical clarifications to certain language that was contained in the BWIP Fifth Amendment and WECIP Fourth Amendment; and

WHEREAS, Section 33453 of the Community Redevelopment Law (Health and Safety Code Section 33000 *et seq.*) provides that, prior to a joint public hearing on proposed amendments to a redevelopment plan, the redevelopment agency shall submit the proposed amendments to the planning commission and the planning commission shall submit its report and recommendations concerning such amendments within thirty (30) days after its submission by the redevelopment agency; and

WHEREAS, it is a policy of the City that matters pertaining to economic development be referred to the City's Economic Development Commission; and

WHEREAS, the CIC has prepared and completed proposed technical clarification amendments to the BWIP Plan and the WECIP Plan;

NOW, THEREFORE, THE COMMUNITY IMPROVEMENT COMMISSION OF THE CITY OF ALAMEDA DOES RESOLVE THAT the proposed Ninth Amendment to the Community Improvement Plan for the Business and Waterfront Improvement Project and the proposed Seventh Amendment to the Community Improvement Plan for the West End Community Improvement Project in the forms attached hereto, respectively, as Exhibit A and Exhibit B (collectively, the "Proposed Amendments"), are hereby referred to the City's Planning Board for report and recommendation and to the Economic Development Commission for review and consideration.

BE IT FURTHER RESOLVED that due to City policy requiring the Economic Development Commission to review amendments to community improvement plans prior to the Planning Board's review and the Planning Board's policy of noticing items to be considered by the Planning Board for a minimum of thirty (30) days, the CIC hereby extends the time for the Planning Boards' report and recommendations on the Proposed Amendments to sixty (60) days after the CIC's submission.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Community Improvement Commission of the City of Alameda in a Special Community Improvement Commission meeting assembled on the 3rd day of March, 2009, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said Commission this 4th day of March, 2009.

Lara Weisiger, Secretary
Community Improvement Commission

Beverly Johnson, Chair
Community Improvement Commission

EXHIBIT A

NINTH AMENDMENT TO THE COMMUNITY IMPROVEMENT PLAN FOR THE BUSINESS AND WATERFRONT IMPROVEMENT PROJECT

The Community Improvement Plan for the Business and Waterfront Improvement Project (the "Plan") originally adopted June 18, 1991, by Ordinance No. 2559, and amended on December 6, 1994, by Ordinance No. 2681; June 6, 2000, by Ordinance No. 2835; September 19, 2000, by Ordinance No. 2844; April 17, 2001, by Ordinance No. 2857; April 1, 2003, by Ordinance No. 2896; November 4, 2003, by Ordinance No. 2910; January 2, 2006, by Ordinance No. 2956; and February 20, 2007, by Ordinance No. 2963, is hereby further amended as follows:

1. The second to the last paragraph of Section 502 of the Plan is hereby revised to read as follows:

"Notwithstanding any other provision of this Section 502 to the contrary, as of May 1, 2003 (the effective dates of Ordinance No. 2896 adopting the Fifth Amendment to this Plan, and Ordinance No. 2897 adopting the Fourth Amendment to the Community Improvement Plan of the West End Community Improvement Project Area, which ordinances, among other things, merged the Business and Waterfront and West End Community Improvement Project Areas), the number of dollars of taxes which may be divided and allocated to the Commission from the Original Project Area of this Plan and from the West End Community Improvement Project Area for the Merged WECIP/BWIP Project Area (defined below) will be Six Hundred Ninety-One Million Dollars (\$691,000,000), the total combined tax increment limits for the Original Project Area of the Business and Waterfront Improvement Project and the West End Community Improvement Project Area."

2. Except, as amended in paragraph 1 above, all other provisions of the Plan remain in effect, it being understood that the purpose of this Ninth Amendment is only to clarify a technical ambiguity in the Plan, as it was amended by the Fifth Amendment to the Plan. The Fifth Amendment to the Plan, among other things, merged the Business and Waterfront and West End Community Improvement Project Areas and added area known as the Exchange Area to the Business and Waterfront Improvement Project Area. Because the Exchange Area was added after January 1, 1994, it is not subject to a tax increment dollar limit pursuant to Section 33333.4(a)(1) and (g)(1) of the California Health and Safety Code.

EXHIBIT B

SEVENTH AMENDMENT TO THE COMMUNITY IMPROVEMENT PLAN FOR THE WEST END COMMUNITY IMPROVEMENT PROJECT

The Community Improvement Plan for the West End Community Improvement Project (the "Plan") originally adopted July 5, 1983, by Ordinance No. 2141, and amended on January 2, 1985, by Ordinance No. 2222; December 6, 1994, by Ordinance No. 2682; November 19, 2002, by Ordinance No. 2889; April 1, 2003, by Ordinance No. 2897; November 4, 2003, by Ordinance No. 2910; and August 21, 2007, by Ordinance No. 2970, is hereby further amended as follows:

1. The second to the last paragraph of Section VIII.B. of the Plan is hereby revised to read as follows:

"Notwithstanding any other provision of this Section B to the contrary, as of May 1, 2003 (the effective dates of Ordinance No. 2896 adopting the Fifth Amendment to the Community Improvement Plan for the Business and Waterfront Improvement Project ("BWIP Plan"), and Ordinance No. 2897 adopting the Fourth Amendment to this Plan, which ordinances, among other things, merged the Business and Waterfront and West End Community Improvement Project Areas), the number of dollars of taxes which may be divided and allocated to the Commission from the West End Community Improvement Project Area pursuant to this Plan and the Original Project Area of the BWIP Plan (as defined in Section 200 of the BWIP Plan) for the Merged WECIP/BWIP Project Area (defined below) will be Six Hundred Ninety-One Million Dollars (\$691,000,000), the total combined tax increment limits for the West End Community Improvement Project Area and the Original Project Area of the Business and Waterfront Improvement Project."

2. Except, as amended in paragraph 1 above, all other provisions of the Plan remain in effect, it being understood that the purpose of this Seventh Amendment is only to clarify a technical ambiguity in the Plan, as it was amended by the Fourth Amendment to the Plan. The Fourth Amendment to the Plan, among other things, merged the Business and Waterfront and West End Community Improvement Project Areas. However, the Fifth Amendment to the BWIP Plan also added area known as the Exchange Area to the Business and Waterfront Improvement Project Area. Because the Exchange Area was added after January 1, 1994, it is not subject to a tax increment dollar limit pursuant to Section 33333.4(a)(1) and (g)(1) of the California Health and Safety Code.

CITY OF ALAMEDA

Memorandum

To: Honorable Chair and
Members of the Community Improvement Commission

From: Debra Kurita
Executive Director

Date: March 3, 2009

Re: Receive an Update on Alameda Landing and a Presentation by
Catellus

BACKGROUND

On December 4, 2006, the City Council and Community Improvement Commission approved a Disposition and Development Agreement (DDA) with Palmtree Acquisition Corporation (successor by merger to Catellus Development Corporation) to redevelop the former Fleet Industrial Supply Center (FISC) as Alameda Landing. The DDA was amended in December 2007 to allow for the redesign of the waterfront and to provide for early expenditures for acquisition of Stargell Avenue and Union Pacific right-of-way and related construction activities.

The City acquired the Stargell Avenue right-of-way in August 2008 and was awarded \$4 million in State Transportation Improvement Project (STIP) funds for the project in September 2008. Solicitation of bids for phase 1 of Stargell construction occurred in November 2008, with bids opened on January 28, 2009. The bids are currently being reviewed, and staff anticipates potentially awarding the contract on March 17, 2009.

The Stargell Avenue second phase will be the landscape portion of the project. The landscaping master plan has been developed and is being reviewed by City staff and the West Alameda Business Association. The landscape master plan is scheduled to be reviewed by the Planning Board in Spring 2009. It is anticipated that the landscape plans will be out to bid in October 2009, with a contract award in Spring 2010.

DISCUSSION

Catellus and staff continue to work on developing Alameda Landing and constructing the associated Stargell Avenue roadway in spite of the challenging real estate market. Catellus is continuing discussion with Target Corporation and is marketing the site nationwide. Catellus will be participating in International Conference of Shopping Centers (ICSC) conferences in March and May.

In light of the challenging economic times and the need to utilize many different sources of funding to successfully implement the development of Alameda Landing, Catellus has

CIC
Report Re:
Agenda Item #3-A
03-03-09

requested an opportunity to update the Community Improvement Commission on its current development initiatives and its commitment to the development of the site.

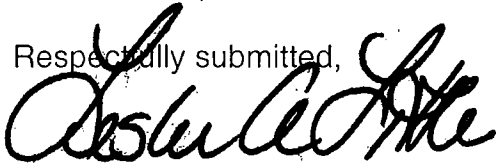
FINANCIAL IMPACT

This item has been agendized solely to allow Catellus to update the City Council and community regarding Alameda Landing. Given present market conditions, staff has been evaluating several financing alternatives for the Stargell Avenue project in order to preserve the City's award of STIP funds. These funding alternatives will be presented to the CIC and the City Council at the March 17th meeting in conjunction with the discussion of Stargell Avenue bid award.

RECOMMENDATION

Receive an update on Alameda Landing and a presentation by Catellus.

Respectfully submitted,



Leslie Little
Development Services Director

Approved as to funds and account,



Ann Marie Gallant
Interim Finance Director

By: 

Debbie Potter
Base Reuse & Community Development Manager

DK/LAL/DP:dc